

**REVISED ADMINISTRATIVE ORDERS
OF THE
CIRCUIT COURT
OF THE
ELEVENTH JUDICIAL CIRCUIT,
STATE OF ILLINOIS
[Ford, Livingston, Logan, McLean,
and Woodford Counties]**

Effective March 7, 1990

**Including Amendments Received Through
April 1, 2004**

Research Note

Use WESTLAW® to find cases citing a rule. In addition, use WESTLAW to search for a specific term or to update a rule; see the IL-RULES and IL-ORDERS Scope Screens for further information.

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* Suggested title added by Publisher.

SERIES 100. CIVIL PROCEDURE

RULE 101. FILING OF SUIT AND APPEARANCE; FACE SHEETS; FORM OF SUMMONS; WRITTEN APPEARANCE; TIME TO PLEAD; APPEARANCE OF ATTORNEY*

A. Filing of Suit and Appearance. In all civil cases in this circuit in which leave is sought by an inmate of a correctional institution to sue or defend as a poor person, the petition for leave to sue or defend as a poor person shall be accompanied by a copy of the inmate's trust fund ledger indicating all deposits and withdrawals made to the inmate's trust fund account for the six months immediately preceding the submissions of the petition.

The petition shall be accompanied by a remittance payable to the Clerk of the Circuit Court in an amount not to exceed fifty percent of the inmate's average monthly income for six months immediately preceding the filing of the petition, but in no event to exceed the full statutory fee required of all other parties in civil cases. Payment of the balance of the statutory fee shall be postponed pending the entry of a final judgment in such causes as provided by law.

If an inmate shows good cause why he or she cannot make the partial payment required by this rule, he may petition the court to review his complaint for the existence of a colorable question of law or fact and the court may for good cause shown and the establishment of exigent circumstances excuse pre-payment of fees in their entirety.

B. Face Sheets.

1. In all civil cases, except small claims cases, the Clerks of the Circuit Courts shall supply to the attorneys "Face Sheets", in such form as is prescribed by the Chief Judge, which shall be attached to the face of the first pleading, (complaint, petition, etc.) filed. In the event of failure of an attorney to file in and attach the required "Face Sheets" to said pleadings, the Clerk shall notify the attorney, and upon receipt of the same, properly completed, shall attach the same to the pleading.

2. All Face Sheets, in addition to information required to complete such sheet, shall indicate the name of the individual attorney, if the law office is a multi-lawyer office, who will be responsible for the case with authority to act therein, who will be trial counsel.

3. In actions for injury to the person, no ad damnum may be pleaded except to the minimum extent necessary to comply with Circuit Rules. Pursuant to § 2-604 of the Code of Civil Procedure, the complaint should allege whether the ad damnum is less than or in excess of \$15,000.00, in order to comply with this Circuit's rules on assignments.

C. Form of Summons.

1. *Summons—Notice to Defendants—Notice Form.* "Notice to Defendants" shall be affixed to the summons issued by the Clerk in actions for money not in excess of \$15,000.00, exclusive of interests and costs, to-wit:

"Service of this summons upon you requires:

"(a) That you or your attorney appear in person at the time and place specified in the summons and make your presence known to the Clerk of the Court, at which time you will be required to file a written Entry of Appearance, or

"(b) *Before* the time required for your personal appearance, you or your attorney may file a *written* appearance, answer, or motion. (Such written appearance, answer or motion shall state the address where service of notice or papers may be made upon you or your attorney.)

"Your failure to respond to this summons in the manner prescribed in (a) above or in the manner prescribed in (b) above may result in a judgment being entered against you on the date set for your appearance in said summons, and said judgment will be for the amount claimed in the complaint and court costs. If you respond to this summons by filing a *written* Entry of Appearance, you are further required to file an answer or motion within ten days after the date specified in the summons for your appearance, and failure to file said answer or motion may result in judgment by default against you."

2. *Forcible Entry and Detainer—Notice.* The following "Notice to Defendant" shall be affixed to sum-

mons issued by the Clerk in actions for forcible detainer, to-wit:

(a) "You are required to *personally* appear at the time and place specified in the above summons. If you fail to do so, judgment may be entered against you for the relief asked in the complaint filed in this cause."

3. *Small Claims—Notice.* The following "Notice to Defendant" shall be affixed to summons issued by the Clerk in actions at law for \$2,500.00 or less, to-wit:

"Service of this summons upon you requires:

"(a) That you appear in person at the time and place specified in this summons and make your presence known to the Clerk of the Court, at which time you will be required to file a written Entry of Appearance and pay the required fee. The cause shall proceed to trial unless otherwise ordered.

"(b) If you retain an attorney, you and your attorney must appear at the time and place specified in this summons and make your appearance known to the Clerk, at which time your attorney will be required to file a written Entry of Appearance and pay the required fee. The case shall proceed to trial unless otherwise ordered.

"(c) If your attorney files an entry of appearance before the date specified in the summons, you and your attorney must appear at the time and place specified in this summons, and the case will proceed to trial unless otherwise ordered.

"Your failure to appear at the time and place specified in this summons may result in a judgment being entered against you on said date. Said judgment will be for an amount not in excess of the amount claimed in the complaint and court costs."

4. *Administrative Review and Writs of Certiorari to the Illinois Industrial Commission.* The form of summons set forth in Supreme Court Rule 291 for proceedings under the Administrative Review Act and the form of summons set forth in Supreme Court Rule 292 to review an order of the Illinois Industrial Commission will be exclusively utilized by this court in such cases.

5. In all other cases, a summons requiring appearance within 30 days after service as set forth in Supreme Court Rule 101(d) will be utilized by this court.

6. The use of the wrong form of summons shall not affect the jurisdiction of this court.

D. Written Appearance. If a written appearance, general or special, is filed, copies of the appearance shall be served in the manner required for the service of copies of pleading.

E. Time to Plead. A party who appears without having been served with summons is required to plead

within the same time as if served with summons on the day he appears.

F. Appearance of Attorney. An attorney shall file his written appearance or other pleading before he addresses the court unless he is presenting a motion for leave to appear by intervention or otherwise.

G. Money Damages Affidavit.* Supreme Court Rule 222(b), effective January 1, 1996, provides:

Any civil action seeking money damages shall have attached to the initial pleading the party's affidavit that the total damages sought does or does not exceed \$50,000. If the damages do not exceed \$50,000, this rule shall apply.

In accordance with said Rule, it is ordered that, effective January 1, 1996, any civil action filed without such affidavit attached shall be deemed to be seeking damages not exceeding \$50,000 for purposes of determining the appropriate discovery procedures to be utilized and Supreme Court Rule 222 shall govern the discovery process in all such cases.

[Adopted eff. March 7, 1990; amended Dec. 11, 1995, eff. Jan. 1, 1996.]

* Suggested title added by Publisher.

RULE 102. MOTIONS

A. Ex Parte and Emergency Motions.

1. *Ex Parte and Emergency Motions.* Every complaint or petition upon which it is sought to obtain ex parte an order (for relief of any kind) shall be filed in the office of the clerk, if that office is open, before application to a judge for the order.

2. *Preliminary Injunctions, Restraining Orders.* In the absence or unavailability of the judge assigned to the case, any judge may consider an application for preliminary injunction or temporary restraining orders and issue the same in proper cases; subsequent matters relating to the cause in which the petition is filed shall be heard by the judge assigned to the individual case.

3. *Notice Not Required.* Emergency motions and motions which by law may be made ex parte may, in the discretion of the court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

4. *Notice After Hearing.* If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of the judge who heard the motion, date of the hearing, and the order of the court thereof, whether granted or denied, shall be served by the party obtaining the order upon all parties not theretofore found by the court to be in default for failure to plead and proof of service thereof shall be filed with the clerk within 2 days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

B. Notice of Hearing of Motion.

1. *Notice Required.* Written notice of the hearing of all motions shall be given by the party requesting hearing to all parties who have appeared and have not theretofore been found by the court to be in default for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice of motion made within a court day of trial shall be given as directed by the court. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 11.

2. *Content of Notice.* The notice of hearing shall designate the motion judge, shall show the title and number of the action, and the date and time when the motion will be presented. Notice of motion to be made shall state the nature of the motion. A copy of any written motion and of all papers presented therewith or a statement that they previously have been served, shall be served with the notice.

C. Summary Judgment Motions.

1. No motion for summary judgment shall be filed unless there is attached to the motion all documents the movant relies upon as supporting the motion, together with any brief the movant wishes the court to consider. Proof of service of copies shall be attached thereto.

2. No hearing on such a motion shall be held within 30 days after the motion is filed, unless the court orders otherwise.

3. The party or parties opposing the entry of a summary judgment shall file all documents relied upon in opposition to the motion, together with any brief, within 21 days after the motion has been filed. Within seven days thereafter, the movant shall file all responsive documents and any reply brief.

4. Any motion filed and set for hearing without complying with Circuit Court Rule 102C shall not be heard until after compliance is accomplished, unless the court orders otherwise.

D. Failure to Call Motion to Hearing.

1. The burden of calling for hearing any motion previously filed is on the party making the motion. The court may at anytime on its own motion set any such motion for hearing. If any such motion is not called for hearing within 90 days from the date it is filed, the court may strike the motion without notice.

2. Whenever the court has entered a judgment disposing of all pending matters in a case and there is filed any post-judgment motion seeking a new trial, judgment notwithstanding the finding, to vacate the judgment, for reconsideration of the judgment, or other like relief and movant has failed to file of record within 90 days of filing the motion proof of notice of the setting of a hearing upon the motion, then the motion is stricken without further proceedings or notice on the 90th day.

E. Withdrawal of Attorney. Withdrawal or substitution of attorney and notices relating thereto shall be governed by Supreme Court Rule No. 13.

F. Written Orders. All orders presented to the court for entry shall demonstrate proof of service upon all opposing parties in compliance with Supreme Court Rule 11.

[Adopted eff. March 7, 1990.]

RULE 103. DISCOVERY AND PRETRIAL PROCEDURES

A. Interrogatories and Depositions.

1. In all civil matters an original request for discovery (including interrogatories and requests for production) shall be made by serving such request upon the party or parties upon whom they are directed. A copy of the request shall not be filed with the clerk of the circuit court.

Proof of service of the aforesaid request for discovery shall be made by certification of counsel briefly describing the request made, together with proof of service on the party to whom they were directed.

Certification shall be filed with the clerk of the circuit court. If identical requests are made of multiple parties, they may be included in one certification.

2. Proof of compliance with requests for discovery *in all civil matters* (including interrogatories and requests for production) shall be made by filing with the clerk of the circuit court the certification of counsel showing that compliance has been accomplished. The certification shall include a description of the documents filed with reference to the request made. The documents supplied in the response to discovery requests shall not be filed with the clerk of the circuit court.

3. Effective September 1, 1989, the clerk of the circuit court is directed to refuse to accept any papers that are ordered not to be filed by this order.

4. Whenever any party has objection to any requests, or seeks to enforce compliance with any request or otherwise addresses a motion to the sufficiency of a response, he shall attach to his motion and file with the clerk of the circuit court, a copy of all relevant discovery in order that the court may properly consider the motion.

5. This order is entered pursuant to the authority of Supreme Court Rule 201(m) effective August 1, 1989.

6. *Days for Taking Depositions.* Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays or court holidays.

B. Investigations or Communication With Jurors.

1. Before the trial of a case, a lawyer connected therewith shall not communicate with or cause another to communicate with anyone he knows to be a member of the venire from which the jury will be selected for the trial of the case.

2. During the trial of a case:

(a) A lawyer connected therewith shall not communicate with or cause another to communicate with any member of the jury.

(b) A lawyer who is not connected therewith shall not communicate with or cause another to communicate with a juror concerning the case.

3. The above paragraphs do not prohibit a lawyer from communicating with veniremen or jurors in the course of official proceedings.

4. After discharge of the jury from further reconsideration of a case with which the lawyer was connected, the lawyer shall not ask questions of or make comments to a member of that jury until the venire of which he is a member has been discharged, nor shall the lawyer thereafter ask questions of or make comments to a member of the venire that are calculated merely to harass or embarrass the juror, or to influence his actions in future jury service.

5. A lawyer shall not conduct or cause, by financial support or otherwise, another to conduct a vexatious or harassing investigation of either a venireman or a juror.

6. All restrictions imposed by this order upon a lawyer also apply to communications with or investigations of members of a family of a venireman or a juror.

7. A lawyer shall reveal promptly to the court improper conduct by a venireman or a juror, or by another toward a venireman or a jury or a member of his family, of which the lawyer has knowledge.

[Adopted eff. March 7, 1990.]

RULE 104. TRIAL AND POST TRIAL MATTERS

A. Jury Trial Guidelines. The following general procedures are *suggested* guidelines in jury trials:

1. The court day for jury trial shall be considered to be 9:00 a.m. to 5:00 p.m. with an appropriate recess for lunch.

2. A new witness will not be called to the stand after 5:00 p.m. unless there is assurance that the witness' examination and cross examination will conclude by 5:30 p.m.

3. If a witness is on the stand at 5:00 p.m., testimony may continue, but the witness should be excused and the jury recessed on or before 5:30 p.m.

4. No final arguments will be begun unless it appears that the final arguments made, instructions

given, and retirement for deliberation will begin on or before 6:00 p.m.

B. Default Judgments. No default judgment will be entered without proof unless the complaint is verified and the amount claimed is liquidated in the prayer for relief.

C. Enforcement of Confessed Judgments. In all civil cases where a judgment is based upon confession, the clerks of the Circuit Court of the Eleventh Judicial Circuit shall not accept an Affidavit for a Non-Wage Garnishment or an Affidavit for a Wage Garnishment and shall refuse to issue summons for such proceedings and said clerks shall likewise refuse to issue any Citation to discover assets which is directed to any third party until such judgment has been confirmed by order of court after service of process, however, a Citation to Discover Assets which is directed to the judgment debtor may be issued by the clerk prior to such judgment being confirmed.

D. Citations.

Proceedings Under § 2-1402 of the Code of Civil Procedure. In all proceedings under § 2-1402 of the Code of Civil Procedure, the court may, in its discretion, require the judgment debtor to be sworn and examined outside the presence of the court by counsel for the judgment creditor. Subject to the availability of a court reporter, the proceedings may be of record, and a transcript prepared for later examination by the court.

Court Note

Section 2-1402 was designed to provide an efficient and expeditious procedure for discovery of assets and income of judgment debtors. There is no requirement that a judge be present during the examination of the judgment debtor. It is appropriate for the parties and counsel to appear, conduct the discovery hearing, and then apply to the Court for an appropriate order. In many cases the order will be an agreed order. In those cases where a dispute exists or a judicial determination is necessary, a transcript could be prepared (and taxed as a cost against the defendant when appropriate) and examined by the Court. The Court can quite appropriately enter an installment order or other orders on the basis of the transcript.

This procedure may not be practical in Small Claims, and LM matters where court reporters are seldom available. However, counsel for a judgment creditor could be required to conduct a brief examination of the defendant, under oath, outside the court's presence. It is appropriate for the judge to admonish the defendant to answer questions and be cooperative during the examination.

E. Post Trial Motions. Whenever the court has entered a judgment disposing of all pending matters in a case and there is filed any post-judgment motion seeking a new trial, judgment notwithstanding the finding, to vacate the judgment, for reconsideration of the judgment, or other like relief and movant has failed to file of record within 90 days of filing the motion proof of notice of the setting of a hearing upon

the motion, then the motion is stricken without further proceedings or notice on the 90th day.

[Adopted eff. March 7, 1990.]

**Rule 105. MATRIMONIAL
AND FAMILY CASES**

A. Special Rules in Matrimonial and Family Cases. For purposes of this rule, matrimonial and family cases are defined as any proceedings for an order, judgment or decree relating to dissolution of marriage, parentage, separate maintenance or declaration of invalidity of marriage including proceedings concerning such matters as temporary support, maintenance, child custody or support.

1. Affidavit of Parties.

(a) In all proceedings involving petitions for attorney's fees, court costs, maintenance, support and/or custody of children and modification of any previous orders relating thereto, the moving party shall prepare an affidavit (suggested form, Appendix B) with proof of service pursuant to Supreme Court Rule 11, unless for good cause shown the court otherwise directs,

(b) The party responding to said petition shall serve at, or prior to hearing, an affidavit in the same form entitled "Affidavit in Answer to" preceding "Petition for Temporary Maintenance", etc. (suggested form, Appendix B).

2. Support Payments. Unless otherwise provided in the order for support, all support payments shall be made to the Clerk of the Circuit Court.

3. Representation. No pleading or entry of appearance shall be prepared or acknowledged by any attorney, members of his firm, or employee for an opposing party.

B. Dissolution Venue.

1. In any case brought pursuant to the Illinois Marriage and Dissolution of Marriage Act where neither petitioner nor respondent resides in the county; where the initial pleading is filed, counsel for the petitioner shall file with said pleading a written motion, which shall be set for hearing and ruled upon before any other issue is taken up, advising that the forum selected is not one of proper venue and seeking an appropriate order from the court allowing a waiver of the venue requirements of § 104 of said Act.

C. Mediation of Child Custody and Visitation.

1. In any matrimonial and family case involving contested issues of child custody or visitation, either temporary or permanent, the court may, at the request of either party or on the court's own motion, enter an Order for Mediation (suggested form, Appendix C). Such order shall be entered prior to the setting of any contested hearing on child custody or visitation, unless the court finds that mediation is not

in the best interest of the parties or their children or that referral to mediation is inappropriate.

(1)(a) *Mediation Date.* A family mediation referral form shall be sent to the mediator in all cases within 3 days of the entry of the Order for Mediation.

Unless otherwise ordered by the court, the first evaluation conference shall be held within twenty-one (21) days of the Order for Mediation. If both parties have not contacted the mediator to set an evaluation conference within fourteen (14) days of the Order for Mediation, the mediator shall notify the parties, in writing, of the time, date and location of the mediation.

2. *Conduct of Mediation.* Any mediation ordered pursuant to this rule shall be conducted in accordance with the Standards and Procedures for Court-Referred Divorce Mediation (Appendix D) by a mediator whose name appears on the court-approved list of mediators maintained at the office of the Circuit Clerk. The moving party's attorney, or Judge when both parties are pro se, shall be responsible for completion of the Mediation Referral form (Appendix E) and for forwarding that form to the mediator(s) selected. See Mediator's Report form (Appendix F).

3. *Confidentiality.* The content of all mediation sessions shall be confidential and the mediator(s) shall not be served with a subpoena or called as a witness.

4. *Becoming a Mediator.* Any person seeking to become a mediator should apply in writing to the Chief Judge of the Eleventh Judicial Circuit. The applicant should set forth his/her background and experience in mediation and should show that the Minimum Qualifications of Matrimonial and Family Dispute Mediators (contained in Paragraph 5 of Appendix D to these Rules) are met. Upon approval by the Chief Judge of an applicant as a mediator, the individual shall be added to the list of approved mediators maintained in the office of the Circuit Clerk.

5. *Mediation Reporting to the Supreme Court.* The Chief Judge of the Eleventh Circuit (or designee) shall maintain statistical data on all family mediation proceedings, and report said data to the Administrative Office of Illinois Courts and the presiding Judge of the Family Division of each county as required.

D. Joint Simplified Dissolution of Marriage Forms.

1. *Circuit Clerk to furnish revised forms to parties.* Pursuant to 750 ILCS 5/453, effective July 1, 1999, the Clerk of the Circuit Court shall provide forms at the request of parties desiring to file a Petition for Joint Simplified Dissolution of Marriage. Pursuant to 750 ILCS 5/456, the contents of forms to be used in simplified dissolution cases shall be provided for by court rule. The Circuit Clerk also may make available a brochure that describes the requirements, nature, and effect of a simplified dissolution. The Clerks of the Circuit Court of the Eleventh

Judicial Circuit shall provide only such forms in dissolution cases specifically authorized by Statute, Supreme Court Rule, Administrative Order, or are approved for use by the resident Circuit Judge in Ford, Livingston, Logan and Woodford Counties, or the Presiding Judge of the Family Division of McLean County.

[Adopted eff. March 7, 1990; amended eff. Jan. 1, 1994; March 1, 1995; April 5, 1999; June 9, 1999; Aug. 2, 1999; Feb. 22, 2000; Oct. 12, 2001; amended May 3, 2002.]

Publisher's Note.

A list of mediators is available from the Circuit Clerk's Office.

ADMINISTRATIVE ORDER FOR McLEAN COUNTY FAMILY DIVISION

Supreme Court Rule 237(b) now provides that the only documents which can be requested at trial are the originals of those documents previously produced in discovery, however this limitation is deemed inapplicable to requiring production of the following documents for temporary relief hearings in Domestic Relations (D) and Family (F) cases: 1) a party's most recently filed federal and state income tax returns with all attachments including W-2 forms; 2) a party's wage statements for the prior two months or the most recent wage statements from all employers if said statements provide year-to-date gross and net wage information; 3) a party's financial statements, profit and loss statements and balance sheet statements, if applicable.

[Dated June 28, 1996.]

RULE 106. REPORTS AND ACCOUNTS OF FIDUCIARIES; ASSIGNMENTS*

A. Reports and Accounts of Fiduciaries. In the event that an account of a fiduciary is presented in any applicable division of the Circuit Court by a bank or trust company authorized to administer trusts in the State of Illinois, the Court may waive the requirement of exhibiting the necessary vouchers for distributions, upon presentation of a certificate signed by an officer of the bank or trust company stating that the vouchers covering the disbursements in the account presented are on file with the bank or trust company and in the physical possession thereof and will be retained for a reasonable length of time.

B. Assignments.

1. *Assignments of Interest—Power of Attorney.* Each assignment of, or power of attorney with respect to a distributee's interest in the estate of a decedent, or an interest in a judgment, or a distributee's interest in a partition suit, or funds on deposit or in the custody of the Clerk of the Court for other civil purpose, shall be presented to the presiding judge of

the proper division of Court for approval of filing, by a verified petition.

2. *Petition.* The petition for approval shall be verified and state: (a) The names and addresses of the assignor and assignee; (b) The nature and value of the interest involved; (c) In the case of assignment, the consideration, if any, paid or to be paid the assignor, and the fees and expenses charged or to be charged in connection therewith; (d) In the case of a power of attorney, the fees and expenses charged or to be charged by the attorney in fact and his agents or representatives. If the Court finds the consideration paid or to be paid the assignor is inadequate, or the fees and expenses charged or to be charged are excessive, or for other good cause shown, the judge may refuse to permit the assignment of interest or power of attorney to be filed, or may approve filing upon such terms as are just and equitable.

[Adopted eff. March 7, 1990.]

* Suggested title added by Publisher.

RULE 107. SECURITY OF COURT RECORDS

1. **Inspection of Court Records.*** Except as otherwise ordered, Clerks and Deputy Clerks shall permit inspection of all files and records in the office of the Circuit Clerk.

2. **Impounded Records.** No one, except the Clerk or his Deputy, and the Court, will be permitted to examine impounded indexes. Impounded records may be examined only as permitted by law.

3. **Removal of Records.** Except for use in Court or by a judge, records shall be removed from the office of the Clerk only:

- a. When used in the record on appeal; or
- b. When transferred on a change of venue.

[Adopted eff. March 7, 1990.]

*Suggested title added by Publisher.

RULE 108. MARRIAGE FUND

Pursuant to Supreme Court Rule 40, a Marriage Division has been established in the Counties of Ford, Livingston, Logan and McLean.

The Marriage Division in said counties shall consist of the judges regularly assigned to those counties.

The Marriage Division shall be in session at such times as the judges thereof shall direct.

The Clerk of the Circuit Court or his or her designee shall attend each session to assist the judge presiding in the Marriage Division. For each marriage performed by a judge, the Clerk shall collect a fee of \$ 10 unless waived by the judge for good cause shown. No additional fee or gratuity will be solicited or accepted. The Clerk shall maintain a triplicate

pre-numbered receipt book to record fees received. The original receipt is to be given to the parties to the marriage, a second copy to be forwarded to the Chief Judge's office and the third copy to be retained by the Circuit Clerk.

When a marriage ceremony is performed by a judge at other times and place, a like fee shall be charged and shall be paid by the parties to the Clerk of the Circuit Court. A receipt for the fee paid in advance shall be exhibited to the judge at or before the time of the marriage ceremony.

All fees received shall be deposited in a federally insured or fully collateralized bank account no less than monthly by the Clerk in the name of the "Marriage Fund of the Circuit Court of _____ County." The Chief Judge, the Administrative Secretary and a resident Circuit Judge of the county will be trustees of each such account. The account shall be maintained in a bank in the county to be designated by the trustees. All disbursements from said fund shall be made by check and signed by at least two trustees.

The Chief Judge's office shall maintain proper ledger sheets showing all amounts received and the sources, expenditures and the description as well as bank statements for each account. Quarterly reports shall be filed with the Administrative Director of the Illinois Courts on forms prescribed by the Administrative Office. The quarterly reports shall be prepared by the Administrative Secretary and approved by the Chief Judge.

The Chief Judge's office shall request the County Clerk of each county to inform marriage license applicants who desire that a judge perform their ceremony of the hours established for such purpose.

This Administrative Order supersedes Circuit Rule 108 and Administrative Order 2000-14, and is effective April 1, 2002.

[Adopted eff. March 7, 1990; revised Aug. 2, 1999; amended April 28, 2000; amended eff. April 1, 2002.]

RULE 109. DORMANT CALENDAR

A dormant calendar is hereby established in the Circuit Court of the Eleventh Judicial Circuit.

1. **Transfer of Cases.** Any circuit or associate judge may, by order entered in the case on the court's own motion, transfer to the dormant calendar any pending case in which a party is also a party to a bankruptcy proceeding in federal court which causes a stay of proceedings in said cause or in which a party is on active duty in the military service of the United States. Cases transferred to the dormant calendar pursuant to the order shall not be considered as pending cases for statistical purposes.

2. **Reinstatement to Active Calendar.** Upon the removal of such bankruptcy stay or upon such active

duty status terminating, any circuit or associate judge shall, by order in the case, transfer said case to the active calendar of the court to be disposed of accordingly and said case shall be considered as a pending case for statistical purposes.

3. Call of Dormant Calendar. Annually in the month of August, the Circuit Clerk of each county of the Eleventh Judicial Circuit shall prepare a list of all cases transferred to the dormant calendar that have been pending on the dormant calendar for over 12 months. A copy of the list shall be mailed by the Clerk to the attorneys of record in each case and to the presiding judge of each division wherein transfers have been ordered to the dormant calendar. The presiding judge of the division receiving a list of cases pending on the dormant calendar for more than 12 months shall order a call of the cases so pending in the month of September annually.

On the annual call of the dormant calendar, determination shall be made whether the case shall remain on the calendar, be dismissed or reinstated as an active case. Failure to appear for the call will subject the case to a dismissal or other appropriate order.

[Adopted eff. March 7, 1990.]

RULE 110. EX PARTE COMMUNICATIONS BETWEEN LAWYERS AND JUDGES

In an adversary proceeding, lawyers and judges shall not communicate as to the merits or outcome of the cause except:

1. In regularly convened proceedings;
2. In writing if a copy of such communication is properly delivered to opposing counsel;
3. Orally upon adequate notice to opposing counsel; or
4. As otherwise authorized by law.

This rule shall not be construed to prohibit communications with regard to scheduling and procedural matters which would not reasonably be expected to affect the outcome of litigation.

[Adopted eff. March 7, 1990.]

RULE 111. COURT-ANNEXED MEDIATION

In an effort to provide the citizens of the 11th Judicial Circuit with an expeditious and expense saving alternative to traditional litigation in the resolution of controversies, there is hereby established a program of Court-Annexed Mediation of civil cases to operate in this Judicial Circuit beginning in McLean and Ford Counties.

Mediation under this order involves the confidential process by which a neutral mediator, selected by the

parties or appointed by the court, assists the litigants in reaching a mutually acceptable agreement. The role of the mediator is to assist in identifying the issues, reducing misunderstanding, clarifying priorities, exploring areas of compromise, and finding points of agreement as well as legitimate points of disagreement. Any agreement reached by the parties is to be based on the autonomous decisions of the parties and not the decisions of the mediator. It is anticipated that an agreement may not resolve all of the disputed issues, but the process can reduce points of contention. Parties and their representatives are required to mediate in good faith but are not compelled to reach an agreement.

(1) Actions Eligible for Court-Annexed Mediation.

(A) *Referral by Judge or by Stipulation.* Except as hereinafter provided, the judge to whom a matter is assigned may order any contested civil matter asserting a claim having a value, irrespective of defenses or setoffs, in excess of \$30,000 referred to mediation. In addition, the parties to any such matter may file a written stipulation to mediate any issue between them at any time. Such stipulation shall be incorporated into the order of referral.

(B) *Exclusions From Mediation.* Except as otherwise set forth in (1)(A) above, matters as may be specified by administrative order of the chief judge of the circuit shall not be referred to mediation except upon petition of all parties.

(2) Scheduling of Mediation.

(A) *Conference or Hearing Date.* Unless otherwise ordered by the court, the first mediation conference shall be held within eight (8) weeks of the Order of Referral.

At least ten (10) days before the conference, each side shall present to the mediator a brief, written summary of the case containing a list of issues as to each party. If the attorney filing the summary wishes its contents to remain confidential, she/he should advise the mediator in writing at the same time the summary is filed. The summary shall include the facts of the occurrence, opinions on liability, all damages and injury information, and any offers or demands regarding settlement. Names of all participants in the mediation shall be disclosed to the mediator in the summary prior to the session.

(B) *Notice of Date, Time and Place.* Within 28 days after the Order of Referral, the mediator shall notify the parties in writing of the location, date and time of the mediation conference.

(C) *Motion to Dispense With Mediation.* A party may move, within 14 days after the Order of Referral, to dispense with mediation if:

- (1) The issue to be considered has been previously mediated between the same parties pursuant to General Order of the 11th Judicial Circuit;

(2) The issue presents a question of law only;

(3) The order violates Sec. (1)(B) of this General Order;

(4) Other good cause is shown.

(D) *Motion to Defer Mediation.* Within 14 days of the Order of Referral, any party may file a motion with the court to defer the proceeding. The movant shall set the motion to defer for hearing prior to the scheduled date for mediation. Notice of the hearing shall be provided to all interested parties, including any mediator who has been appointed. The motion shall set forth, in detail, the facts and circumstances supporting the motion. Mediation shall be tolled until disposition of the motion.

(3) Mediation Rules and Procedures.

(A) Appointment of the Mediator.

(1) Within 14 days of the Order of Referral, the parties may agree upon a stipulation with the court designating:

(a) A certified mediator; or

(b) A mediator who does not meet the certification requirements of these rules but who, in the opinion of the parties and upon review by and approval of the presiding judge, is otherwise qualified by training or experience to mediate all or some of the issues in the particular case.

(2) If the parties cannot agree upon a mediator within 14 days of the Order of Referral, the plaintiff's attorney (or another attorney agreed upon by all attorneys) shall so notify the court within 7 days of the expiration of the period to agree on a mediator, and the court shall appoint a certified mediator selected by rotation or by such other procedures as may be adopted by administrative order of the Chief Judge in the circuit in which the action is pending.

(B) *Compensation of the Mediator.* The mediator shall be compensated by the parties at the rate of \$125 per hour unless otherwise agreed in writing. Each party shall pay a proportionate share of the total charges of the mediator.

(C) *Disqualification of a Mediator.* Any party may move to enter an order disqualifying a mediator for good cause. If the court rules that a mediator is disqualified from hearing a case, an order shall be entered setting forth the name of a qualified replacement. Nothing in this provision shall preclude mediators from disqualifying themselves or refusing any assignment. The time for mediation shall be tolled during any periods in which a motion to disqualify is pending.

(D) *Interim or Emergency Relief.* A party may apply to the court for interim or emergency relief at any time. Mediation shall continue while such a motion is pending absent a contrary order of the court or

a decision of the mediator to adjourn pending disposition of the motion.

(E) *Sanctions for Failure to Appear.* If a party fails to appear at a duly noticed mediation conference without good cause, the court upon motion shall impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear. If a party to mediation is a public entity that party shall be deemed to appear at a mediation conference by the physical presence of a representative with full authority to negotiate on behalf of the entity and to recommend settlement to the appropriate decision-making body of the entity. Otherwise, unless stipulated by the parties, or by order of the court, a party is deemed to appear at a mediation conference if the following persons are physically present:

(1) The party or its representative having full authority to settle without further consultation; and

(2) The party's counsel of record, if any; and

(3) A representative of the insurance carrier for any insured party who is not such carrier's outside counsel and who has full authority to negotiate and recommend settlements to the limits of the policy or the most recent demand, whichever is lower without further consultation.

(F) *Adjournments.* The mediator may adjourn the mediation conference at any time and may set times for reconvening the adjourned conference notwithstanding Sec. (I) of this General Order. No further notification is required for parties present at the adjourned conference.

(G) *Counsel.* The mediator shall at all times be in control of the mediation and the procedures to be followed in the mediation. Counsel shall be permitted to communicate privately with their clients.

(H) *Communication With Parties.* The mediator may meet and consult privately with either party and his/her representative during the mediation session.

(I) *Completion of Mediation.* Mediation shall be completed within seven (7) weeks of the first mediation conference unless extended by order of the court or by stipulation of the parties.

(J) *Termination or No Agreement.* A mediator shall terminate a mediation conference when, in the mediator's opinion, no purpose would be served by continuing the conference, or an individual necessary to facilitate settlement of the dispute is not present.

If the parties do not reach an agreement as to any matter as a result of mediation, or the mediation is terminated, the mediator shall report the lack of an agreement or termination to the court without comment or recommendation. The mediator shall report any Termination or No Agreement on a form similar to that in Appendix G.

(K) *Agreement.* If an agreement is reached, it shall be reduced to writing and signed by the parties and their counsel, if any, at the conclusion of the mediation. The report shall designate either full agreement or partial agreement. This report shall be signed by the mediator and shall be filed with the Circuit Clerk within ten (10) days of the last day of the mediation conference. The report shall be in the same format as in Appendix G.

(L) *Imposition of Sanctions.* In the event of any breach or failure to perform under the agreement, the court upon motion may impose sanctions, including costs, attorney fees, or other appropriate remedies including entry of judgment on the agreement.

(M) *Discovery.* Discovery may continue throughout mediation.

(N) *Confidentiality of Communications.* All oral or written communications in a mediation conference, other than executed settlement agreement, shall be exempt from discovery and shall be confidential and inadmissible as evidence in the underlying cause of action unless all parties agree otherwise. Evidence with respect to alleged settlement agreements shall be admissible in proceedings to enforce the settlement. Subject to the foregoing, unless authorized by the parties, the mediator may not disclose any information obtained during the mediation process.

(O) *Forms.* The following forms shall be used in conjunction with court-annexed mediation:

- (1) Order of Referral to Court-Annexed Mediation
- (2) Confidentiality Agreement and Nonrepresentation Acknowledgement
- (3) Mediation Held/No Agreement Resulted
- (4) Memorandum of Agreement
- (5) Memorandum of Understanding/Agreement
- (6) Order Appointing Mediator
- (7) Mediator's Report/Order

(P) *Mediation Reporting to the Supreme Court.* The Chief Judge of the Eleventh Circuit (or designee) shall maintain statistical data on all Court-Annexed mediation proceedings, and report said data to the Administrative Office of Illinois Courts and the presiding Judge of the Civil Division of each county as required.

(4) Mediator Qualifications.

(A) *Circuit Court Mediator.* The Circuit Clerks of McLean and Ford Counties shall maintain a list of mediators who have been certified by the Court and who have registered for appointment.

For certification, a mediator of circuit court civil matters in excess of \$30,000 matters must:

- (1) Complete a mediation training program approved by the Chief Judge of the 11th Judicial Circuit; and
- (2) Be a member in good standing of the Illinois Bar with at least seven years of practice or be a retired judge; and
- (3) Be of good moral character.

(B) *Mediator General Standards.* In each case, the mediator shall comply with such general standards as may, from time to time, be established and promulgated in writing by the Chief Judge of the 11th Judicial Circuit.

(C) *Decertification of Mediators.* The eligibility of each mediator to retain the status of a certified mediator may be periodically reviewed by the Chief Judge. Failure to adhere to this General Order governing mediation or the General Standards provided for above may result in the decertification of the mediator.

[Adopted Dec. 11, 1995; amended May 3, 2002.]

Publisher's Note.

A list of certified mediators is available from the Administrative Assistant for Mediation.

RULE 112. CASE MANAGEMENT CONFERENCE PROCEDURES

Supreme Court Rule 218 Case Management Conference procedures are mandatory only for Law cases. In all other civil cases, Rule 218 shall be invoked at the discretion of the assigned judge.

[Adopted Feb. 9, 1996, eff. April 2, 1996.]

APPENDIXES

APPENDIX A. TRIAL MEMORANDUM

PLAINTIFF: (GEORGE GREEN
1341 Sheridan Rd.
Waukegan, Illinois)

COUNSEL: (Smith, Jones & Smith
By: Harold Smith
1 N. LaSalle St.
Chicago, Illinois)

vs. GENERAL # _____

DEFENDANT(S): (MARY BLACK
1465 Atlantic Ave.
Waukegan, Illinois
and
GERALD RILEY
R.R. # 1
Antioch, Illinois)

COUNSEL: (Black, Brown & White
By: George Black
301 Washington St.
Waukegan, Illinois)

DATE, TIME & PLACE: (Automobile accident at intersection of Rt. 120 and Rt. 41 in Lake County, Illinois on Saturday, May 1st, 1960, at about 8:30 P.M.)

NATURE OF CASE: (This is a suit for personal injuries and property damage brought by George Green against Mary Black as principal and Gerald Riley as her agent. Negligence is charged. George Green was driving South on Rt. 41 and at the intersection of Rt. 120 a collision occurred with an automobile owned by Mary Black and being driven east by Gerald Riley.)

[Adopted eff. March 7, 1990.]

APPENDIX B. AFFIDAVIT OF INCOME AND EXPENSE

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
 _____ COUNTY, ILLINOIS

_____, Petitioner)
) Family Division
 v.)
) Case No. _____
 _____, Respondent)

AFFIDAVIT OF INCOME AND EXPENSE

(Attach recent pay stub to this Affidavit)

Petitioner/Respondent _____, on oath, states:

1. My Social Security No. is ____.
2. The parties have been married ____ years; my age is ____.
3. There are ____ children of the marriage, aged respectively _____, residing with _____.

4. Monthly income.

a. Gross Income Per Month:

	_____.
	(State name of employer)
1. Salary/Wages	\$ _____
2. Other earned income (second job)	\$ _____
b. My Other Monthly Income	
1. Dividends	\$ _____
2. Interest	\$ _____
3. Child Support (prior/current marriage)	\$ _____
4. Maintenance (prior/current marriage)	\$ _____
5. Social Security (for myself & dependents)	\$ _____
6. Pension Benefits	\$ _____
7. Other	\$ _____

MY GROSS MONTHLY INCOME	\$ _____ (A)
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c. Deductions Per Month: (Filing Status: Single/Married [circle one])
(No. of exemptions claimed: _____)

1. Federal Taxes	\$ _____
2. State Taxes	\$ _____
3. Social Security	\$ _____
4. Medicare	\$ _____
5. Mandatory Pension	\$ _____
6. Union Dues	\$ _____
7. Health Insurance	\$ _____
8. Court Ordered Child Support	\$ _____
9. Other	\$ _____

MY MONTHLY DEDUCTIONS	\$ _____
-----------------------	----------

MY MONTHLY NET INCOME	\$ _____
-----------------------	----------

5. LIVING EXPENSES (Monthly average over past _____ months)

a. Housing:

a. Rent/Mortgage	\$ _____
------------------	----------

b. Real Estate Taxes	\$ _____		
c. Insurance	\$ _____		
d. Utilities (1)	\$ _____		
e. Telephone	\$ _____		
f. Groceries	\$ _____		
g. Maintenance (2)	\$ _____		
h. Other	\$ _____		
b. Transportation:			
a. Loan Payment	\$ _____		
b. Insurance	\$ _____		
c. Gasoline	\$ _____		
d. Maintenance/Repair	\$ _____		
e. Other (3)	\$ _____		
c. Medical:			
a. Doctors (4)	\$ _____		
b. Glasses/Contacts	\$ _____		
c. Prescription Medicines	\$ _____		
d. Other (5)	\$ _____		
d. Food: (6)	\$ _____		
e. Personal:			
a. Clothing	\$ _____		
b. Entertainment (7)	\$ _____		
c. Vacations	\$ _____		
d. Gifts (8)	\$ _____		
e. Voluntary Retirement (9)	\$ _____		
f. Other	\$ _____		
f. Children's Expenses:			
a. Education (10)	\$ _____		
b. Clothing	\$ _____		
c. Medical (11)	\$ _____		
d. Daycare/Sitters	\$ _____		
e. Grooming	\$ _____		
f. Lunches/Allowances	\$ _____		
g. Other	\$ _____		
g. Debts:			
a. Credit Cards (Minimum payment(s))	\$ _____		
b. Unsecured Debt (Monthly Payment)	\$ _____		
c. Other (12)	\$ _____		
<table border="1"> <tbody> <tr> <td>TOTAL MONTHLY LIVING EXPENSES</td> <td>\$ _____</td> </tr> </tbody> </table>		TOTAL MONTHLY LIVING EXPENSES	\$ _____
TOTAL MONTHLY LIVING EXPENSES	\$ _____		

CERTIFICATION

I, the undersigned, certify under penalty of perjury as provided by law pursuant to Section 1-109 of the Code of Civil Procedure, that I have read the foregoing Affidavit, that I know the contents therein are true to the best of my knowledge, information and belief.

Dated this ____ day of _____, 20 ____.

Petitioner/Respondent

Attorney's Name _____

Address _____

Telephone Number _____

Fax Number _____

(1) **Utilities** include gas, oil, electric, sewer, water, garbage, cable, etc., but **not telephone**.

(2) **Maintenance** includes gardening, snow removal, condo fees, repairs, exterminators, service contracts, cleaning service, etc.

(3) Other **transportation** includes vehicle rentals, buses, taxis, registration, parking, tolls, etc.

(4) **Doctors** include medical doctors, dentists, orthodontists, chiropractors, optometrists, psychiatrists, counselors, specialists, Etc.

(5) Other **medical** includes vitamins, etc.

(6) **Food** includes household supplies, meals out, etc.

(7) **Entertainment** includes clubs, hobbies, sports, dues, etc.

(8) **Gifts** include gifts to charity, religious gifts, holiday gifts to family and friends, etc.

(9) **Voluntary retirement** includes contributions to an IRA, SEP, 401k, 403b, etc.

(10) **Children's education** includes private school tuition, books, fees, lessons, tutors, etc.

(11) **Children's medical** includes amounts not covered by insurance for medical care including braces, glasses, allergies, counseling, etc.

(12) **Other debts** include monthly payments on IRS liens, judgments, etc.

[Adopted eff. March 7, 1990; amended eff. Oct. 12, 2001.]

Publisher's Note

Order/Notice to Withhold Income for Child Support form was adopted by Administrative Order 98-12, dated June 3,

1998. This form has been omitted here, but it is available from the Office of the Clerk of the Circuit Court.

APPENDIX C. ORDER FOR MEDIATION

IN THE CIRCUIT COURT OF THE
ELEVENTH JUDICIAL CIRCUIT
_____ COUNTY, ILLINOIS

_____ Petitioner)
) Family Division
)
) Case No. _____
v.)
_____ Respondent)

ORDER FOR MEDIATION

This matter having come on to be heard on Petitioner's and/or Respondent's Petition for Mediation, or on the Court's own Motion, and it appearing that certain differences have arisen between the parties, and in accordance with this Court's policy requiring mediation of all custody/visitation disputes, NOW THEREFORE,

IT IS HEREBY ORDERED:

1. That the parties select a mediator from the Court-approved list of mediators on file in the Circuit Clerk's office.
2. That the parties shall select a mediator from said list within 7 days from the date of this Order, or upon failure to select a mediator, the Court shall select a mediator.
3. That the parties shall complete the mediation process within 35 days from the date of this Order, except that an extension may be granted by the Court, upon a representation of the mediator that sufficient progress is being made in the mediation process and that additional time may be necessary to complete the mediation process, or upon application of either party if good cause is shown.
4. That neither attorney for either party will communicate with the mediator, other than to complete the Matrimonial and Family Mediation Referral Form.
5. Only written discovery on issues not being mediated shall be allowed until mediation is terminated, except by order of the Court or agreement of the parties.
6. No investigation or examination pertaining to issues pending in mediation shall be ordered by the Court, except when the Court finds good cause.
7. In the event the party fails to attend mediation without good cause shown, the Court upon motion may impose sanctions, including but not limited to costs and attorneys' fees.
8. When the mediation process has been concluded, terminated, or suspended, that fact shall be reported by the mediator to the Court, but the mediator shall not report the substance of any conversation with either of the parties during the mediation meet-

ings, nor shall the mediator be called as a witness in this proceedings.

9. That the parties shall cooperate and make themselves available in any reasonable manner deemed necessary for the purposes of this Order.

10. That no permanent custody/visitation hearing shall be set until such time as the mediation process is completed.

Entered this ____ day of _____, 20____.

Judge

[Adopted eff. March 7, 1990; amended Oct. 9, 1990; amended eff. Oct. 12, 2001.]

APPENDIX D. STANDARDS AND PROCEDURES FOR COURT-REFERRED MATRIMONIAL AND FAMILY MEDIATION

1. Definition. For purposes of these standards and procedures, matrimonial and family mediation is defined as a procedure whereby individuals submit custody and visitation disputes to qualified third participants, not to decide the disputes, but to impartially assist the participants to achieve their own fair settlement. While matrimonial and family dispute mediation may be viewed as an alternate means of custody and visitation resolution, it is not a substitute for independent legal advice, full disclosure of relevant facts, and consent which is fully informed in the perspective of local legal norms.

2. Subject Matter. Court-referred mediation will be limited to child custody and visitation issues.

3. Initial Advice of Mediators. At the initial orientation session mediators should minimally advise the mediating participants as follows:

(a) Neither therapy nor marriage counseling are part of the mediator's function.

(b) The participants should not begin divorce mediation unless they are agreed that their marriage is to be dissolved and that they are submitting for mediation of the disputed issues in connection with child custody and visitation.

(c) The issues to be mediated should be delineated from the outset.

(d) The proposed resolution of the mediated issues will be documented in a written summary. This summary will form the basis of the formal mediated agreement, presented to the court for approval.

(e) No legal advice will be given by the mediator.

(f) An attorney-mediator will not act as attorney for either or both participants and no attorney-client relationship will be formed.

(g) Each participant is strongly encouraged to obtain independent legal counsel to assist and advise him or her throughout the mediation. Any documents used in the mediation should be available to such counsel.

(h) Independent legal counsel will not be present at any mediation session without the agreement of the participants.

(i) If independent legal counsel is not obtained the court must be so advised when the mediated agreement is presented for approval. The participants should be aware that the court may refuse to approve the agreement if it does not meet legal standards.

(j) The mediation can be suspended or terminated at any time on the request of either participant or on the request of the mediator. The mediator shall suspend or terminate the mediation if it appears that either participant is acting in bad faith, that the best interest of minor children are not being given priority, that either participant does not fully understand the negotiations, or that the prospects of achieving a responsible agreement appear unlikely.

(k) The costs of the mediation must be agreed upon, as well as the method and responsibility for payment.

(l) The mediator shall not voluntarily disclose any of the information obtained through the process of mediation without the consent of both participants, except when nondisclosure would appear to create a clear and imminent danger to an individual or to society.

(m) The mediator shall reach an understanding with the participants as to whether the mediator may communicate with either participant or their independent legal counsel or with any third parties to discuss the issues in mediation in the absence of the participants. Any separate communication which does occur should be communicated to the participants at the first opportunity.

(n) The mediator should assess the ability and willingness of the participants to mediate at the orientation and throughout the process and shall advise the participants if the prospects of successful mediation appear unlikely.

4. Memorandum of Understanding. At the initial session the mediator should provide the participants with a written statement or memorandum of understanding which includes all of the foregoing information in paragraph 3 and any other provisions which are appropriate. This memorandum should be taken and studied by the participants separately. There should be adequate time allowed for each participant to consult with independent legal counsel before the second session begins. At the second session the mediator should determine whether any modifications of the memorandum are desired. The memorandum

as modified should be signed by the participants if they wish to proceed with the mediation. This is not a binding contract but a memorandum of mutual understanding and expectations.

5. Minimum Qualifications of Matrimonial and Family Dispute Mediators.

(a) In the area of education mediators are required to have a law degree or a master's degree in a mental health field or the equivalent in a related discipline.

(b) Two years of work experience in a professional field related to mediation is required.

(c) Specialized mediation training to include:

(1) Awareness training in: child development and family relations; family law; conflict resolution theory and mediation process.

(2) Minimum forty (40) hour training approved by Association for Conflict Resolution or other recognized entity.

(d) Continuing education by participation in monthly meetings which incorporate peer supervision.

(e) Regular membership in the Mediation Council of Illinois.

6. Attorney-Mediators. Attorneys who act as mediators shall make it clear to the participants that they are not representing either or both of them and that no attorney-client relationship is being formed with either of them. They may bring impartial legal information to the process and may define legal issues, but they shall not advise either participant so as to direct the participants' decision on a given issue or advocate the individual interests of either participant. The participants must be referred to independent legal counsel for that advice or advocacy. Legal information brought to the mediation process by an attorney who represents neither participant is not a substitute for independent legal counsel. The attorney-mediator may draft the mediated agreement if requested to do so by the parties, but may not represent either party before a court in connection with the matter.

7. Non-attorney-Mediators. Any attempt of non-attorney-mediators to interpret law, to advise participants of their legal rights and responsibilities, to direct decisions on issues which require a knowledge of the law or to draft the mediated agreement constitutes the illegal practice of law. The mediator has a continuing duty to advise participants of the need for independent legal counsel, and that an agreement reached without independent legal counsel may not be approved by the court if it does not meet legal standards.

8. Impartiality of Mediators. In order to avoid the appearance of impropriety, a mediator who has represented or has had a professional relationship

with either participant prior to the mediation may not mediate the dispute unless the prior relationship is disclosed and each participant consents to the mediator notwithstanding the prior relationship. A mediator who is a mental health professional shall not provide counseling or therapy to the participants during the mediation process. An attorney-mediator may not represent either participant in any matter during the mediation process or in a dispute between the participants after the mediation process. Impartiality is not the same as neutrality in questions of fairness. The mediator should discuss the issues with a concern for fairness throughout the mediation and should avoid unreasonable positions on the part of either participant. The mediator has a duty to communicate to the participants his or her bias on any mediated issue.

9. Referrals by Mediators. While mediators must encourage the participants to obtain independent legal counsel, they shall not refer them to specific attorneys or attempt in any other manner to influence their choice of counsel because such referral relationships may adversely affect the attorney's exercise of independent professional judgment on behalf of the participant and may create the appearance of impropriety. Mediators may, however, encourage the participants to use any attorney referral services provided by bar associations or the courts. Mediators should refer participants to other professionals when appropriate for mental health counseling.

10. Mediation Disclosures. A precondition to any mediated settlement should be a full and complete disclosure of all relevant facts to the same degree as would be expected in the normal discovery process, unless the participants both specifically agree to a lesser disclosure.

11. Settlement Criteria and Standards. The mediator should promote equal understanding by the participants and should refer each of them to independent legal counsel or for expert consultation if their lack of knowledge is impeding the balance of the negotiation. If the mediator is an attorney the participants should be cautioned that the mediator cannot advise them about or serve their individual interests, and that any mediator comments in respect to the law are not a substitute for independent legal advice. The participants shall be advised that while either participant can settle for less or give more on a particular issue with respect to their legal rights and obligations, he or she cannot do so without informed consent which is best achieved with the advice of independent legal counsel. The participants must be advised that an unreasonable agreement may not be approved by the court and that an unconscionable agreement will not be approved by the court.

12. The Best Interests of Children. The mediator has a duty to promote the best interests of children involved in the mediation even when the participants agree to a resolution which is not in the

children's best interest. The mediator has a duty to inform the participants where the children's best interest are being overlooked or not given their proper priority.

13. The Suspension or Termination of Mediation. A mediator has a duty to suspend a mediation when it appears that either participant is unable or unwilling to reach a reasonable agreement or when the mediator believes a participant does not understand the substance or implications of the agreement. In the event of a suspension, the mediator may suggest to the participants that either or both are in need of professional consultation outside the mediation process.

A mediator shall terminate a mediation when the mediator believes a reasonable agreement cannot be reached, when the mediation process appears to be harmful to either participant, when either participant is acting in bad faith, or when the best interests of minor children are not being given proper priority.

13a. Sanctions for Failure to Appear. If any party fails to appear at a duly scheduled mediation conference without good cause, the court upon motion may impose sanctions, including an award of mediator and attorney fees and other costs, against the party failing to appear. The mediator shall not be served with a subpoena or called as a witness in a sanction or contempt proceeding.

14. The Attorney's Duty When Representing a Party to a Mediation. An attorney has the same duties to the client who is participating in mediation as to the client in any other matter, whether the attorney is engaged before or after a mediated agreement has been reached. Discovery should be employed to the point where the attorney is satisfied that reasonable full disclosure has been achieved, unless the client specifically directs the attorney to the contrary. The client should be advised of all relevant options and alternatives and the ramifications thereof based on the available information. The client should be advised of the potential results of the litigation of a particular issue in order to formulate an informed consent in connection with the mediated agreement. If the agreement for some reason appears unreasonable or unconscionable, the attorney should so advise the client. Where only one or neither participant was represented by independent legal counsel during mediation, the court should be so advised when approval of the mediated agreement is sought.

15. Mediation fees. The mediator should explain the fees for mediation and reach an agreement with the participants for payment at the orientation session. A mediator shall not charge a contingency fee or base the fee in any manner on the outcome of the mediation process. A flat fee for the entire mediation may be charged as agreed at the outset. Hourly rates may be on a sliding scale taking into account the financial means of the participants or the complexity

of the subject matter, but once established the rate shall be uniform throughout the process. No bonus should be given or penalty charged in connection with the success or failure of the mediation.

16. Court-Mandated Mediation Program. The judiciary may mandate mediation to assist in the disposition of child custody and visitation disputes. The participants may be required to attend a minimum 3-hour evaluation proceeding to be completed within 30 days in order to determine whether their dispute can be successfully mediated. Other than attendance at such evaluation proceedings, any further participation should be voluntary and consistent with the foregoing standards and principles.

(a) *Referral Procedure.* The court-referred mediator must be selected from a list of approved mediators available in the Circuit Clerk's office. Complete resumes and individual fee schedules are available for review in the Circuit Clerk's office. Pro bono mediation will be done on a voluntary rotating basis for those cases who file a "Petition for Leave to File as a Poor Person" and whose petition has been allowed by the Court. The attorneys and clients in a given case must agree on a mediator from the Court-approved list. Each attorney should inform the client to contact the mediator directly to schedule appointments. Each attorney may provide a letter to the mediator which provides information with regard to the legal status of the case, including what orders have been entered by the Court, whether temporary or permanent in nature, how long this matter has been in litigation, and what are the unresolved legal issues. The letter which is provided by the attorney to the mediator shall not be confidential and may be disclosed by the mediator to both parties. The attorney and mediator shall have no further communication with regard to the substance of the mediation, except with the express permission of the parties.

(b) *Reporting Procedure.* Upon the reaching of an informal agreement through the mediation process, the mediator will draft a memorandum of understanding for review by the participants. Upon final review, a copy of this memorandum shall then be sent to each participant and each respective attorney. The attorneys will review the memorandum, give advice and opinions, and draft a formal agreement to submit to the court. The mediator shall submit the court approved report form to the court and to the attorneys following the completion/termination of mediation. The mediator shall not be called as a witness in any litigation, including juvenile proceedings.

(c) *Inappropriate Referrals.* Couples should not be referred to mediation if there are allegations of child abuse in the petition for dissolution. If it is alleged, or is evident to the Judge that either of the parties suffers severe emotional difficulties or impairment, or that one is chemically dependent, so that he/she is not capable of making or complying with an agreement, mediation should not be attempted.

17. Complaints against Mediators. Any complaint made against any mediator shall be referred to the Ethics Committee of the Mediation Council of Illinois for its consideration in accordance with the Mediation Council of Illinois Standards of Practice for Mediators. Any mediator against whom a complaint has been filed shall forward a copy of any complaint, and any action of the Mediation Council of Illinois, to the Chief Judge upon receipt of such complaint or action.

18. Nothing contained in these rules precludes the Chief Judge from removing a mediator from the approved list.

[Adopted eff. March 7, 1990; amended April 8, 1994; amended eff. Oct. 12, 2001; amended May 3, 2002.]

LEGAL CASE HISTORY: Case File No. _____ Judge Assigned _____
Date of Marriage _____ Date of Separation _____ Divorce _____

MOTHER:	FATHER:	CHILDREN:
Name _____	Name _____	Name/s _____
Home Address _____	Home Address _____	_____
_____	_____	Date/s of Birth _____
_____	_____	_____
Home Phone _____	Home Phone _____	_____
Business Address _____	Business Address _____	School/s & Grade/s _____
_____	_____	_____
_____	_____	_____
Business Phone _____	Business Phone _____	With Whom Residing _____
Attorney's Name _____	Attorney's Name _____	_____
Attorney's Address _____	Attorney's Address _____	_____
_____	_____	_____
_____	_____	_____
Attorney's Phone _____	Attorney's Phone _____	_____

LEGAL DECISIONS COMPLETED: (check) <input type="checkbox"/> Parentage <input type="checkbox"/> Dissolution of Marriage <input type="checkbox"/> Property Settlement/Spousal Maintenance <input type="checkbox"/> Temporary Custody/Terms: _____ _____ <input type="checkbox"/> Temporary Visitation (Terms: _____) _____ <input type="checkbox"/> Permanent Custody (Terms: _____) _____ <input type="checkbox"/> Permanent visitation (Terms: _____) _____	LEGAL DECISIONS PENDING: (check) <input type="checkbox"/> Custody (Hearing date: _____) <input type="checkbox"/> Visitation (Hearing date: _____) <input type="checkbox"/> Modification of _____ Custody/ _____ visitation (hearing date: _____) <input type="checkbox"/> Other (Hearing date: _____) <input type="checkbox"/> No Orders of Protection, or Restraining Orders are in effect, and I am not aware of any past acts of violence. <input type="checkbox"/> Copies of Orders of Protection, etc. are attached. <input type="checkbox"/> Please arrange to have the clients arrive/depart separately.
---	--

Name of selected mediator: _____

Address of mediator _____

Phone of mediator _____

Referral source: _____ Judge _____ Attorney _____ Client _____

Date of Referral: _____

Court deadline for parents to contact mediator: _____

Court deadline for completing mediation: _____

cc: Mediator
Mother
Father
Other Attorney

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APPENDIX F. MEDIATOR'S REPORT

IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT
 _____ COUNTY, ILLINOIS

_____, Petitioner)
) Family Division
 v.)
) Case No. _____
 _____, Respondent)

MEDIATOR'S REPORT

I mediated with _____ and _____ for a total of ____ hours.

_____ The mediation has now been concluded because:

- _____ 1. The parties have reached an agreement as to all disputed issues.
- _____ 2. The parties have reached an agreement as to some of the disputed issues and are at an impasse in regard to the remaining issues. The parties' statement as to the issues resolved and issues which remain unresolved has been submitted to the attorneys.
- _____ 3. I determined that there was no realistic likelihood that a mediated agreement as to the disputed issues could be achieved.

_____ The mediation has been suspended because:

- _____ 1. Information suggesting unresolved spousal abuse/child abuse/substance abuse/emotional abuse issues is present and these issues must be addressed or resolved before mediation can proceed.
- _____ 2. Financial issues appear to be preventing agreement on children issues.
- _____ 3. One or both of the parties did not appear at a scheduled appointment.
- _____ 4. Both parties do not agree that their marriage is at an end.
- _____ 5. One party/Both parties was/were unwilling to continue with mediation after they had satisfied the minimum meeting requirement.
- _____ 6. No agreement was signed.

DATED: _____ SIGNED: _____

[Adopted April 8, 1994; amended eff. Oct. 12, 2001.]

APPENDIX G. CIVIL MEDIATOR'S REPORT

STATE OF ILLINOIS IN THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL
CIRCUIT
COUNTY OF McLEAN/FORD

_____)	
Plaintiff,)	
)	
vs.)	Case Number: _____
)	
)	
_____)	
Defendant.)	

CIVIL MEDIATOR'S REPORT

I, the undersigned, mediated with THE MEDIATION HAS NOW BEEN CONCLUDED BECAUSE:
_____, Plaintiff(s) and
_____, Defendant(s) for a total of ____
hours.

- ___ 1. The parties have reached an agreement as to all disputed issues. The agreement has been filed with the Circuit Clerk.
 - ___ 2. The parties have reached an agreement as to some of the disputed issues and are at an impasse in regard to the remaining issues. The statement as to the issues resolved and issues that remain unresolved have been filed with the Circuit Clerk.
 - ___ 3. I determined that there was no realistic likelihood that a mediated agreement as to the disputed issues could be achieved.
 - ___ 4. One or both of the parties did not appear at a scheduled appointment.
 - ___ 5. One or both parties were unwilling to continue with mediation after they had satisfied the minimum meeting requirement.
- Dated: _____

Mediator

[Adopted May 3, 2002.]

SERIES 200. CRIMINAL PROCEDURE**RULE 201. APPEARANCE BONDS;
OFFICIALS AUTHORIZED TO
LET TO BAIL*****A. Appearance Bonds.**

1. In the absence or unavailability of the presiding judge, any judge of the Circuit Court of the Eleventh Judicial Circuit may set bond for a defendant under arrest where a judge has not previously provided for the amount of the bond.

2. Any judge of the Circuit Court of the Eleventh Judicial Circuit, upon proper application, may issue a search warrant as provided under the Criminal Code of Procedure, and also rule upon an application for use of an eavesdropping device.

B. Officials Authorized to Let to Bail.**1. Officials Authorized to Let to Bail.**

a. **General.** Pursuant to the Rules of the Supreme Court of Illinois, the persons designated below are authorized to accept and receipt for bonds, bond certificates, cash bail, or drivers' licenses (or such appropriate combinations thereof as may be authorized by the Supreme Court Rules), and to let to bail any person charged with any offense for which bail amounts are established in the Rules of the Supreme Court of Illinois; and pursuant to Supreme Court Rule 553(d), the persons designated below are authorized to release defendants upon personal recognizance bond in an amount required by this article except when there are reasonable grounds to believe that there exists one of the criteria set forth hereinafter in paragraph two:

(i) The Sheriff of each county within this Circuit and any Deputy Sheriff designated by him;

(ii) The Commanding Officer of any police department of any city, village, town, or other municipality within this Circuit, and any police officers designated by him;

(iii) Any Illinois State Highway Policeman;

(iv) The Secretary of State and any officers or investigators designated by him;

(v) The Director of the Department of Conservation, and any officers or investigators designated by him;

(vi) The Clerk of the Circuit Court of each county within this Circuit, and any Deputy Circuit Clerk designated by her/him;

(vii) The Chief of the Illinois State University police department and any police officers designated by him.

b. **Secretary of State.** The Secretary of State and any officers or investigators designated by him may accept and receipt for bonds, bond certificates,

cash bail, or drivers' licenses (or such appropriate combinations as may be authorized by Rule), and may let to bail any person charged with any traffic offense for which bail amounts are established in Rule 526 of the Supreme Court of Illinois.

c. **Department of Conservation.** The Director of the Department of Conservation, and any employee of that Department designated by the Director, may, acting as a peace officer, accept and receipt for bonds or conservation offenses for which bail amounts are established in Rule 527 of the Supreme Court of Illinois.

d. **Illinois State University.** The chief of the Illinois State University Police Department, and any employee of that department designated by the chief, may, acting as a peace officer, accept and receipt for bonds for offenses for which bail amounts are established in Rule 526 of the Supreme Court of Illinois.

e. **Written Designations.** Sheriff's Police Commanders, Circuit Clerks, the Secretary of State, the Director of the Department of Conservation and the Chief of the Illinois State University Police Department shall file with the Circuit Clerk of each county wherein such authority may be exercised a written designation specifying subordinates who are to be authorized to accept and receipt for bail posted pursuant to Supreme Court Rules.

2. Pursuant to Supreme Court Rule 553(d), the persons hereinabove designated are authorized to release defendants by giving individual bond in the amount required by this Article, except when:

a. The accused has previously been convicted of a criminal offense;

b. The accused has previously been admitted to bail on one or more criminal charges and the charge or charges are currently pending;

c. The accused, at the time of arrest, is in possession of a dangerous weapon;

d. The accused is on parole, probation, conditional discharge or supervision;

e. There is an outstanding warrant, detainer or bond forfeiture against the accused;

f. The accused is unable or unwilling to establish his identity or submit to being fingerprinted as required by law, or

g. Detention is necessary to prevent imminent bodily harm to the accused or to another.

3. **Form of Recognizance Bonds.** Persons being released upon personal recognizance bonds may be released by signing a separate bond form or by signing a uniform traffic ticket and complaint or a conservation ticket and complaint or other complaint

agreeing to comply with the conditions relative to appearance printed thereon.

4. *Places Where Bond May Be Posted and Accepted.* Bond Certificates or Drivers' Licenses in Lieu of Cash Bail: When a bond certificate or a driver's license may be accepted in lieu of cash bail, authorized persons may accept and receipt for such documents at any place in accordance with Rule of the Supreme Court of Illinois.

5. *Consolidation.* Multiple charges arising out of the same occurrence for which an accused is eligible for release on posting a single bond under Supreme Court Rule 503 are hereby consolidated for appearance by operation of this Circuit Administrative Rule.

The authority admitting an accused to bail on all such multiple traffic, misdemeanor, ordinance violations and conservation charges shall enter the same single date and time for initial appearance in court upon the face of the bond and/or traffic citation.

6. *Bail—Non-court Hours.* Upon any judge being advised during non-court hours of a request to have an amount of bail set as to an individual in custody on a charge or charges for whom no bails have been pre-set by Supreme Court Rule, or pre-set on a warrant, the judge may sign a written order in which an amount of bail is specified. Upon request, the judge may also by means of a written order alter the term of bail previously set by Supreme Court Rule, warrant, or prior order.

C. Use of Bail Bond Deposit. Pursuant to the provisions of 725 ILCS 5/110-7, the Clerk of the Circuit Court, without further written order or record sheet entry entered in the cause, shall:

1. Use of bail bond deposit to satisfy the costs, fines, additional fines, contributions, assessments, restitution, Public Defender fees, attorney fees or child support obligations assessed against the defendant in the case in which the bail bond has been deposited.

2. Satisfy any child support obligations of the same defendant incurred in a different case, in the amount ordered by the Court.

3. Transfer the remaining bail bond deposit to satisfy the fines, additional fines, court costs, contributions, assessments, restitution, or Public Defender fees of the same defendant incurred in a different case in which there is insufficient bond to cover the payment of such financial obligations.

Other than child support obligations, the Clerk of the Circuit Court shall not transfer the excess bail bond deposit in one case to satisfy the obligations of that same defendant incurred in a different case if the defendant has executed an assignment of the right to a refund of the bail bond deposit at the time the bail amount was deposited without the consent of the

defendant's assignee or unless the Clerk is ordered to do so by the Court.

[Adopted eff. March 7, 1990; amended Jan. 12, 1996; amended March 5, 2004.]

Publisher's Note

Pursuant to Administrative Order 2001-23, dated December 18, 2001 and effective immediately:

In accordance with the authority granted in Supreme Court Rule 529, which authorizes counties designated by the Conference of Chief Circuit Judges to create and implement a procedure for mail-in court supervision for certain traffic offenses, and pursuant to petition by the 11th Judicial Circuit to the Conference of Chief Circuit Judges for designation of Woodford County as a county in which such procedure may be created by administrative order, said petition having been allowed and designation having been given, IT IS HEREBY ORDERED:

1. That at the time of the issuance of a Uniform Traffic Citation for an offense included within the purview of Supreme Court Rule 529, the arresting officer shall provide to the defendant an appropriate form issued by the State's Attorney's Office to enable the defendant to plead guilty to the offense charged and request a disposition of Court supervision;

2. That in addition to any other option currently in effect, the defendant shall have the option of pleading guilty to the offense charged and requesting a disposition of Court Supervision by mail;

3. That to request a disposition of court supervision without a court appearance, the defendant shall complete the form provided by the State's Attorney and shall certify, under penalty of perjury, as follows:

a. Defendant's name, mailing address, telephone number, date of birth, and driver's license number and State;

b. A list of all traffic citations received in the past three years, including those for which the defendant received court supervision, providing the offense, date, county and State, and disposition;

c. Indicate whether or not the defendant has even been convicted of any criminal offense, and if so, what and when;

4. That upon receipt of the defendant's application for court supervision, the State's Attorney's Office shall cause an official abstract of the defendant's driving record to be obtained from the office of the Secretary of State, as well as a check of the records of the Woodford County Circuit Clerk, to determine the eligibility of the defendant for court supervision. If the review of these records establishes that the defendant has not received a conviction or court supervision for a reportable traffic violation within the 12 month period preceding the issuance of the citation in question, and the offense is not one which involves an offense of speeding in excess of 25 miles per hour over the posted speed limit or other similarly serious offense, and is not an offense which is otherwise not eligible for supervision pursuant to 730 ILCS 5/5-6-1, then the State's Attorney's Office may indicate its approval of the mail-in court supervision disposition;

5. That upon said approval, the State's Attorney's Office shall provide the defendant with a plea of guilty form setting forth the following acknowledgements:

a. The defendant waives trial by jury, enters his or her appearance, and enters a plea of guilty to the offense charged.

b. The court shall sentence the defendant to a period of 90 days court supervision and a fine and court costs as indicated in the plea offer, to be paid in full immediately upon tender of the mail-in plea of guilty;

6. That the defendant shall indicate acceptance of the plea offer by signing the plea and waiver and returning it, along with payment of fine and costs in full, to the Circuit Clerk of Woodford County. The Circuit Clerk shall then cause the file to be presented to the traffic court judge, who shall review the record and if appropriate, enter an order granting court supervision pursuant to the terms of the plea agreement. The Circuit Clerk shall then cause to be entered upon the records of his or her office that the defendant has been sentenced to a period of 90 days court supervision;

7. That if, during the period of court supervision, the State's Attorney's or Circuit Clerk's records indicate that the defendant has been arrested or charged with a new traffic offense, then the State's Attorney may file a petition to revoke the court supervision;

8. In the event that the State's Attorney's review of the application for court supervision results in that office denying its approval of the same, then the State's Attorney shall notify the defendant of that decision and inform the defendant of his or her right to plead not guilty and proceed to trial, or otherwise appear in court;

9. That this Order shall not apply to offenses enumerated in Supreme Court Rule 526(b)(1) and Supreme Court Rule 551, and is effectively immediately.

RULE 202. WARRANT CALENDAR

1. Transfer of Cases. Any pending case in which a warrant for arrest has been outstanding and unserved for a period of six months is, by operation of this Rule, transferred to the warrant calendar. Cases transferred to the warrant calendar pursuant to this Rule shall not be considered as pending cases for statistical purposes.

2. Reinstatement to Active Calendar. Upon the arrest of any defendant in a cause previously transferred to the warrant calendar, the cause is reinstated to the active calendar of the Court to be considered as a pending case for statistical purposes.

3. Call of Warrant Calendar. Annually in the month of May, the Circuit Clerk of each county of the Eleventh Judicial Circuit shall prepare a list of all cases transferred to the warrant calendar that have been pending on the warrant calendar for over 12 months. A copy of the list shall be delivered by the Clerk to the office of the state's attorney of the county and to the Presiding Judge of each division wherein transfers have been ordered to the warrant calendar. The Presiding Judge of a division receiving a list of cases pending on the warrant calendar for more than 12 months shall call the cases so pending in the month of June annually.

On the annual call of warrant calendar, determination shall be made whether the case should remain on the calendar, or be dismissed.

[Adopted eff. March 7, 1990; amended May 16, 1995.]

RULE 203. DEMAND FOR SPEEDY TRIAL

Any demand for speedy trial made by a defendant pursuant to 750 ILCS 5/103-5 shall be in written form. The original of the written demand for speedy trial shall be filed at the time of the demand with the Clerk and made a part of the Court file, and a copy of such demand shall be served upon the state's attorney, with proof of service made a part of the Court file. No demand for speedy trial shall be accepted by the Court unless filed in accordance with this Rule.

[Adopted eff. March 7, 1990; revised Aug. 2, 1999.]

RULE 204. USE OF PLEA AGREEMENT FORMS

In all cases in which a Plea Agreement is tendered to the Court pursuant to the provisions of Rule 402 of the Supreme Court where sentence to imprisonment is a possible punishment on any count of the charge, whether a plea is tendered on that count or not, counsel shall submit the Plea Agreement in writing in substantially the following form:

PLEA AGREEMENT

The defendant and the state's attorney hereby submit the following Plea Agreement to the Court which was reached pursuant to discussions initiated by them. The defendant consents to the Court receiving evidence in aggravation and mitigation in advance of the tender of this plea. The agreement is as follows:

- A. Defendant agrees to plead guilty to Count(s) _____ of the charge.
- B. State's attorney agrees to nolle pros. _____.
- C. The court will impose as (maximum) sentence in this case the following:
 1. \$_____ fine and costs.
 2. _____ years/months/days imprisonment in _____.
 3. Probation/conditional discharge/court supervision for _____ years/months, with payment of fine and costs by _____.
- D. Restitution in this case is owing to the following persons, in the following amounts, to be paid by the dates listed:
- E. It is stipulated the defendant's prior record is as follows:
- F. The defendant does (not) waive pre-sentence investigation and written report.

Dated: _____

 Defendant

[Adopted eff. March 7, 1990.]

RULE 205. PRE-SENTENCE REPORTS

1. 730 ILCS 5/5-3-4 provides for the filing and disclosure of pre-sentence reports. This section provides that the report shall be opened for inspection to the defendant's attorney at least three days prior to imposition of sentence unless such three-day requirement is waived.

In order to provide for the orderly disposition of sentencing hearing, the Adult Probation Department of each county of the Circuit is hereby authorized to send by regular mail, postage prepaid, a copy of the pre-sentence report to the defendant's attorney, considering the time schedule as set forth in 730 ILCS 5/5-3-4.

2. The Criminal Code, as amended effective February 1, 1978, 730 ILCS 5/5-4-1, provides that a full verbatim record of the sentencing hearing, and all information presented to the Court in connection therewith, shall be filed with the Clerk of the Court and shall be a public record. It appears that there is a conflict, in part, in this Section and 730 ILCS 5/5-3-4, and that it is in the best interest of the Eleventh Judicial Circuit that procedures be set forth in the disposition of pre-sentence reports.

The pre-sentence report, filed as required by 730 ILCS 5/5-3-4, shall be made a part of the public record at the time of the sentencing hearing unless:

A. The court, from an in-camera inspection of the pre-sentence report, orders that all, or any part thereof, be sealed; or

B. The defendant requests that the report, or any part thereof, be sealed, and the Court finds:

1. That the defendant's request is for good cause;
2. That there is no useful purpose in making the pre-sentence report, or any part thereof, be an open public record.

[Adopted eff. March 7, 1990; revised Aug. 2, 1999.]

**RULE 206. PERIODIC IMPRISONMENT
IN DEPARTMENT OF
CORRECTIONS**

The Department of Corrections of the State of Illinois has developed a sentencing alternative whereby the State provides in certain state-operated centers a program of periodic imprisonment under the criteria and procedure set forth in this Rule:

A. Eligibility. A defendant may be sentenced to periodic imprisonment in a center of the Department of Corrections if:

1. The offender has been convicted of a Class 2, 3 or 4 felony;
2. The offender has no warrants or detainers pending;

3. The offender has been approved by the Department of admission to the center.

B. Investigative Procedure.

1. In the order referring the defendant to the Probation Office for pre-sentence investigation and report, the sentencing judge shall indicate that consideration is to be given for placement in a center operated by the Department under periodic imprisonment.

2. The sentencing hearing shall not be scheduled prior to 28 days from the date of the Order of Referral.

3. The Clerk of the Court shall deliver a copy of the Order of Referral to the designated official of the Department and to the supervisor of the closest center designated for the purposes of periodic imprisonment.

4. The Probation Office will:

- a. Immediately contact the supervisor of the center requesting that the referral be processed;
- b. On request of the Supervisor of the center, arrange for an interview of the offender by the center;
- c. Provide the offender with a written description of the center's programs and rules and the Department's regulations;

C. Sentencing Procedure.

1. A sentence to periodic imprisonment in a Department Center shall:

- a. Be for a minimum period of not less than four months and a maximum period of not more than 12 months, exclusive of credit for time spent in the county jail;
- b. Be imposed as a condition of probation;
- c. Include as a condition of probation that the defendant not violate any of the rules and regulations of the Department.

2. The judge shall state as a matter of record that the sentence of periodic imprisonment is imposed as an alternative to imprisonment in the penitentiary and as an alternative to a straight sentence of probation, explaining his reasons therefore to said defendant.

D. Execution of Sentence.

1. The court order, which shall also serve as a mittimus, shall designate the appropriate Departmental Center.

2. The Sheriff shall, pursuant to 730 ILCS 5/3-8-1, convey the defendant to said center and shall, at the time of delivery of the defendant to the center, deliver the appropriate documents set forth in 730 ILCS 5/3-8-1 and 5/5-4-1.

3. The Clerk of the Court shall comply with the provisions of said 730 ILCS 5/5-4-1.

4. The probation office shall provide to the Department:

- a. A copy of the report of pre-sentence investigation;
- b. The FBI arrest and conviction record, commonly referred to as "the rap sheet" of the defendant;
- c. Identification data, which shall include three photographs and two fingerprint cards.

E. Financial. The order of commitment shall designate whether the Clerk of the Court or the Department is to administer the financial affairs of the defendant pursuant to 730 ILCS 5/5-7-6.

F. Supervision and Reports. The Department shall file monthly reports with the Probation Office on forms furnished by the Department.

G. Modification and Revocation.

1. The Department, the Center, the Probation Officer, the offender, the attorney for the offender, or the state's attorney may at any time during the period of the sentence of probation, petition the Court for a modification of said sentence.

2. On written notification by the center of a violation of the defendant, the Probation Officer shall petition the Court for revocation or modification of the sentence and seek the issuance of a warrant for the defendant's arrest.

3. All proceedings on revocation, modification or termination shall be heard by the judge who sentenced the defendant originally.

4. In the event of a petition for revocation and a finding by the Court that the sentence should not be revoked, the offender may be returned to the center of the Department of Corrections by the Sheriff or the Probation Office.

H. Termination. Fourteen days prior to the expiration of the term of periodic imprisonment of any defendant sentenced hereunder, the Department shall provide to the Probation Office a written report of the defendant's progress while under the sentence of periodic imprisonment.

[Adopted eff. March 7, 1990; revised Aug. 2, 1999.]

RULE 207. PROCEDURES FOR THE TERMINATION OF PROBABLE CAUSE AND SETTING BOND ON WEEKENDS AND HOLIDAYS

In order to comply with the constitutional requirements established in *Gerstein v. Pugh*, 420 U.S. 103 (1975) and *Riverside County vs. McLaughlin*, 500 U.S. 44 (1991), effective March 1, 2003, the Circuit Court of the Eleventh Judicial Circuit hereby adopts the following procedures:

1. Pursuant to 725 ILCS 5/109 and 5/110, any person arrested without a warrant, who is in custody at a time when the next regularly scheduled court session is not within 48 hours of the arrest, shall be entitled to review of probable cause and a determination of bond in the manner set forth herein.
2. On weekends, or on court holidays, where more than 48 hours will elapse before a probable cause hearing can be conducted, the Chief Judge shall designate the time, date and location of said hearings by further Administrative Order.
3. All judges of the Eleventh Judicial Circuit, both Circuit and Associate, shall be designated by further Administrative Order to conduct probable cause hearings and affix bond for those persons in custody during said times that court sessions are scheduled on weekends and holidays. For that purpose, judges of the Eleventh Judicial Circuit shall be deemed to have automatically interchanged with each other for purposes of conducting hearings under this order.
4. All State's Attorneys and Assistant State's Attorneys of the Eleventh Judicial Circuit are hereby designated special prosecutors for the purposes of conducting probable cause hearings relative to this order.
5. Counties are not required to transport any defendant to the McLean County Law & Justice Center for the purpose of making determinations of probable cause and setting bond under this order.

Procedures for Determinations of Probable Cause and Setting Bond:

- A. Any peace officer who arrests a person without a warrant, and causes said person to be incarcerated by the Sheriff of the County of arrest, shall provide to the Sheriff of the County a verified statement of arrest and witness statements. The State's Attorney of said county, or their designee, shall provide a charging document, based on said reports, and a criminal history containing sufficient factual information from which the Court can make a determination of probable cause and set bond. The format of the statement shall be substantially similar to the attached form.
- B. The Sheriff of said County shall make said reports and charging document available to the McLean County State's Attorney, or their designee, by 12:30 PM of the date of the weekend/holiday bond court.
- C. The State's Attorney, or their designee, shall present a probable cause statement and bond recommendation to the Judge beginning promptly at 1:00 PM at the McLean County

Law & Justice Center on the date of the week-end/holiday bond court.

- D. The assigned judge shall review the documentation, and based on the review, probable cause shall/shall not be established and the appropriate bond set based on the facts of the case and criminal history of the defendant. The judge shall enter the findings on an order, which, with the peace officer's reports, shall be filed with the Circuit Clerk by the State's Attorney of the appropriate county on the first business day following the court proceeding. The State's Attorney of McLean County, or their designee, is charged with the responsibility of

providing the order(s) to the Sheriff of each county as necessary. The format of the order shall be substantially similar to the attached form.

Nothing in this order shall prevent a judge from conducting a McLaughlin hearing within their assigned county in a manner that substantially complies with the provisions set forth above.

Effective March 1, 2003, Circuit Rule 207 is hereby amended to reflect the above changes and Administrative Order 91-14 is hereby vacated.

[Adopted eff. June 18, 1991; revised Aug. 2, 1999; revised eff. March 1, 2003.]

SWORN STATEMENT OF ARRESTING OFFICER

The undersigned officer hereby certifies that on the ____ day of _____, ____ at ____ a.m./p.m., the subscribing officer made a warrantless arrest of:

Last Name: _____ First Name: _____ Middle: _____

Sex: _____ Race: _____ DOB: _____ Height: _____

Weight: _____ Eyes: _____ Hair: _____

at _____, Illinois for the following charges:

CHARGE	STATUTE	CLASS

STATEMENT BY ARRESTING OFFICER STATING FACTS RELATED TO ARREST:

Under penalties as provided by law pursuant to Section 1-109 of the code of Civil Procedure, the undersigned certifies that the statements set forth in this instrument are true and correct, except as to matters stated to be on information and belief, and as to such matters the undersigned certifies as aforesaid that he verily believes the same to be true.

OFFICER'S SIGNATURE: _____ BADGE NUMBER: _____

AGENCY: _____ DATE: _____

ORDER

☐ The Court does not find probable cause to detain. Defendant ordered to be released.

☐ The Court finds probable cause to detain the defendant for the charge(s) of:

IT IS HEREBY ORDERED, that the defendant is to be detained in custody in lieu of bond which is affixed in the amount of: \$ ____ (10%).

Conditions of Bond: _____

Entered this ____ day of _____, ____, at ____ a.m./p.m.

JUDGE

[Adopted January 22, 2003.]

RULE 208. ADMINISTRATIVE SANCTIONS FOR OFFENDERS WHO HAVE VIOLATED PROBATION

Pursuant to 730 ILCS 5/5-6-1, it is ordered that an administrative sanctions program be established in each of the five counties of the Eleventh Judicial Circuit. The program shall be administered by the Court Services Department or Probation Department in each county for the offenders who are supervised by that department. The program shall be administered in a manner consistent with the document marked Appendix A,* which shall be deemed incorporated herein. This Rule shall be effective on January 1, 1997, and shall apply to all violations occurring on or after the effective date.

[Adopted Sept. 18, 1996, eff. Jan. 1, 1997; revised Aug. 2, 1999.]

* Pub. Note: This Rule was adopted by Administrative Order 96-25, dated September 18, 1996. Appendix A is a manual concerning procedures for establishing an administrative sanctions program. It has been omitted here, but it is available from the Trial Court Administrator and the Clerk of the Circuit Court.

RULE 209. DISCOVERY PROCEDURES IN CRIMINAL CASES*

Beginning with cases filed January 1, 1997, and thereafter, the following procedures shall govern the exchange of discovery in criminal cases subject to Supreme Court Rule 411.

1. The discovery material required by Supreme Court Rule 411-415 to be exchanged between the parties shall not be filed in the court file to which it relates.

2. In lieu of filing the material, proof of service on the party to whom the material is directed shall be made by certification of counsel responsible for the case which certification shall include the name and case number of the case to which it relates, be filed with the Clerk of the Circuit Court and meet the following minimum requirements for identifying the specific material provided:

a. The State's Attorney shall certify that material within the possession or control of the State required by Supreme Court Rule 412 has been so provided and identify the categories of material by specific refer-

ence to subparagraphs (a), and its subparts, (b), (c), (d), (e), (f) and (g) and to Supreme Court Rule 415(b) setting out the number of pages of material so provided as to each said subparagraph.

b. The attorney for the defendant shall certify that material within the possession or control of defendant or his counsel required by Supreme Court Rule 413 has been so provided and identify the categories of material by specific reference to subparagraphs (c) and (d) and its subparts, and to Supreme Court Rule 415(b) setting out the number of pages of materials so provided as to each subparagraph.

3. Beginning with new cases filed in 1997, the Clerk of the Circuit Court is directed to refuse to accept papers that are ordered not to be filed by this [Rule].

4. Whenever a party objects to material furnished, seeks to enforce compliance or otherwise addresses a motion to the sufficiency of production, the party shall attach to the motion and file with the Clerk of the Circuit Court a copy of all relevant discovery material received in order that the Court may properly consider the motion.

5. This [Rule] is entered pursuant to the authority of Supreme Court Rule 415(c).

[Adopted Dec. 19, 1996.]

* Suggested title added by Publisher.

RULE 210. JUDGMENT/SENTENCING ORDER TO DEPARTMENT OF CORRECTIONS

In all criminal cases where a defendant is sentenced to imprisonment in the Illinois Department of Corrections, a written order shall be entered in substantially the form of the order entitled "Judgment—Sentence to Illinois Department of Corrections."*

[Entered July 2, 1997.]

* Pub. Note: This Rule was adopted by Administrative Order 97-17, dated July 2, 1997. The form has been omitted here, but it is available from the Trial Court Administrator.

RULE 211. APPOINTMENT OF PUBLIC DEFENDER

Effective September 2, 1997, the initial appointment of the Public in Defender McLean County felony cases shall be a appointment. Final appointment of the Public Defender shall be considered only after the defendant has reported to the Court Screening Officer as directed and provided the information and documentation requested by the Court Screening Officer. At the time of the appointment a written Order * shall be served upon the defendant requiring compliance with the screening procedures.

The Court Screening Officer shall submit the information obtained from the screening process to the Judge assigned to felony arraignments within seventy-two hours after the initial custody hearing. After reviewing said screening information, the arraignment Judge shall make the determination as to appointment of the Public Defender.

[Entered Aug. 20, 1997, eff. Sept. 2, 1997; revised Aug. 2, 1999.]

* Pub. Note: This Rule was adopted by Administrative Order 97-22, dated August 20, 1997. The form has been omitted here, but it is available from the Trial Court Administrator.

SERIES 300. CIRCUIT COURT ADMINISTRATION AND OPERATIONS

RULE 301. MEETINGS OF CIRCUIT JUDGES

Meetings of the Circuit Judges and meetings of the Circuit and Associate Judges shall be called by the Chief Judge. Five days notice, in writing, of any meeting shall be given by the Chief Judge. The five-day notice in writing requirement may, in matters of emergency, be waived by the Chief Judge. No action shall be taken at an emergency meeting called by the Chief Judge unless three-fourths of the Circuit Judges consent at the meeting called to a consideration of the emergency agenda.

With respect to meetings of the Circuit Judges, any two Circuit Judges may request, in writing, a meeting of the Circuit Judges. In the event of a request for a meeting of both the Associate and Circuit Judges, any three judges may request, in writing, a meeting of the judges of the Circuit. The written request shall be directed to the Chief Judge. Upon receipt of the written request pursuant to his Order, the Chief Judge shall immediately call a meeting of the Circuit Judges or the Circuit and Associate Judges in compliance with the request.

[Adopted eff. March 7, 1990.]

RULE 302. ELECTION—TERM AND TENURE OF CHIEF JUDGE; CHIEF JUDGE (ACTING CHIEF JUDGE)—DUTIES; CHIEF JUDGE'S DOCKET*

Election—Term and Tenure of Chief Judge.

1. *Election.* The Circuit Judges of the Eleventh Judicial Circuit, under authority of the 1970 constitution of the State of Illinois, shall select by secret ballot one Circuit Judge to serve as Chief Judge for a term of two years. In the month of December in the year when the term expires, the Chief Judge shall call a meeting of all Circuit Judges to select a Chief Judge.

2. *Ballot—Majority Vote.* All Circuit Judges are eligible candidates for Chief Judge, unless a Judge or Judges declare a refusal to be a candidate. The ballot containing the names of all Circuit Judges in alphabetical order, shall be given to each Judge who will mark a cross by the name of the Judge for whom he votes. A majority of all votes cast is required for the election of a Chief Judge.

3. *Canvass.* A committee appointed by the Chief Judge shall canvass the votes and announce the results on each ballot. The Judge receiving a majority of votes cast will be elected as Chief Judge. In the event a judge does not receive a majority of the votes cast, a second ballot will be taken on the two or more judges receiving the highest number of votes, and the balloting shall continue until one Judge receives the majority of the votes cast, and be deemed elected.

4. *Beginning of Term.* The Chief Judge elected will take office the first Monday of January following election, unless a vacancy is being filled, in which case he will take office immediately on election for the unexpired term he fills.

5. *Removal of Chief Judge.* Any four or more Circuit Judges may by request in writing made to the Administrative Office of the Illinois Courts, request a vote by all Circuit Judges in their Circuit upon the question. "Shall the present Chief Judge be retained in office?" If the majority of the votes cast by the Judges voting on the question is in the negative, the Chief Judge is thereby removed from office.

6. *Chief Judge Resignation.* A Chief Judge desiring to resign shall call a meeting of the Circuit Judges of the Circuit, designating a time and place of meeting. Upon acceptance of the resignation, the Judges will immediately proceed to the election of a successor Chief Judge. The duly elected successor Chief Judge immediately shall take office for the unexpired term for which his predecessor was elected.

Chief Judge (Acting Chief Judge)—Duties. The office of the Chief Judge shall have general adminis-

trative authority over the Courts in the several counties of the Eleventh Judicial Circuit, subject to the authority of the Supreme Court of the State of Illinois. Said Chief Judge shall have said general administrative authority, including authority to provide for divisions—general and specialized—for appropriate times and places to hold Court as provided by the Constitution of the State of Illinois, and all other powers and duties as may be prescribed by law or Supreme Court Rules.

1. The Chief Judge shall by Administrative Order:
 - a. Make assignments of judges to the several divisions of the Court.
 - b. Make assignments of reporters for specified judges or to divisions as the need of the Circuit dictates.
2. The Chief Judge shall call meetings of the Circuit Judges and Associate Judges, separately or jointly, as the needs of the Circuit dictate.
3. In the absence of inability of the Chief Judge to act, he may select one of the Circuit Judges to act in his stead. If no such designation of an acting Chief Judge is made, the Circuit Judge having the highest seniority in judicial service is Acting Chief Judge. In the event the senior judge is absent or incapacitated to act, the Judge next in seniority shall be Acting Chief Judge.

Chief Judge's Docket. The Chief Judge of the Eleventh Judicial Circuit shall maintain a "Chief Judge's Docket" in which he shall enter all Orders, Administrative Evidence of Consent, etc., from time to time. The said docket shall be kept in the office of the Chief Judge.

[Adopted eff. March 7, 1990.]

* Suggested title added by Publisher.

RULE 303. ORDERS AND SCHEDULING; HOLIDAYS; JURY CALENDAR*

Orders and Scheduling. Responsible counsel shall, upon direction of the judge, forthwith prepare and submit an Order on Minute Order forms, to be supplied by the Clerk, and submit said Order to the Judge for his signature; no written order entered to be modified or altered except by a subsequent written Order. No bail fixed by a judge will be increased or decreased except in writing. No warrant issued by order of the court will be recalled except upon written order.

Any judge fixing bail during hours when court is not in session shall do so by means of a written order, which order shall be delivered to the Sheriff, who shall cause the same to be filed in the office of the Clerk of the Circuit Court together with any bond taken by him pursuant to said order.

Holidays. The court shall annually adopt a holiday schedule.

Jury Calendar. The court shall annually adopt a circuit-wide jury calendar stating when juries will be summoned in each county.

[Adopted eff. March 7, 1990.]

* Suggested title added by Publisher.

RULE 304. ESTABLISHMENT OF DIVISIONS OF THE CIRCUIT COURT OF THE ELEVENTH JUDICIAL CIRCUIT

1. The establishment of divisions of the Circuit Court of the Eleventh Judicial Circuit is necessary for the proper administration of justice.

A. Each matter assigned to the respective divisions of the Court will be those designated by the Administrative Director of the Illinois Courts as described in the Uniform Record Keeping manual.

B. Circuit Judges duly elected or appointed and Associate Circuit Judges duly appointed in the Eleventh Judicial Circuit are authorized to hear cases in the Circuit, subject only to restrictions which apply by virtue of law or Supreme Court Rule 295.

C. The following, by County and Division designation, are the categories of cases assigned to and cognizable in the various divisions of the Circuit Court of the Eleventh Judicial Circuit of Illinois:

Ford County. All justiciable matters and cases arising in the County of Ford shall be heard by the Circuit Court of Ford County, and all divisions of said Court are abolished.

Livingston County.

General Division

Felonies (except felony traffic)	CF
Law	L
Juvenile/Abuse/Neglect/Dependency	J
(filed before 01/01/99)	JA
Chancery	CH
Miscellaneous Remedies	MR
Eminent Domain	ED
Order of Protection & Contempt of Court	OP & CC

County Division

Domestic Relations	D
Family	F
Adoption	AD
Law Under \$50,000.00	LM
Mental Health	MH
Tax	TX
Municipal Corporation	MC
Small Claims	SC
Probate	P
Order of Protection & Contempt of Court	OP & CC

Associate Division

Traffic and felony traffic	TR & CF (Traffic)
Misdemeanors	CM
Driving Under the Influence	DT
Juvenile (all except Abuse/ Neglect/Dependency cases filed before 01/01/99)	J
Ordinance Violation	JD
Conservation	JA
Order of Protection & Con- tempt of Court	OV
	CV
	OP & CC

Logan County.

a. General Division	Designation
Felonies	CF
Probate	P
Law	L
Miscellaneous Remedies	MR
Family	F
Domestic Relations	D
Tax	TX
Mental Health	MH
Municipal Corporations	MC
Eminent Domain	ED
Chancery	CH
Adoption	AD
Order of Protection	OP
Contempt of Court	CC
b. Associate Division	Designation
Misdemeanors	CM
Traffic	TR
Ordinance Violations	OV
Juvenile	J
Conservation	CV
Law under \$15,000.00	LM
Small Claims	SC
Juvenile Abuse and Neglect	JA
Juvenile Delinquent	JD
Contempt of Court	CC

McLean County.

a. Civil Division	Designation
Law	L
Miscellaneous Remedies	MR
Eminent Domain	ED
Municipal Corporations	MC
Chancery	CH
Tax	TX
Law Minor	LM
Small Claims	SC
Mandatory Arbitration	AR
Contempt of Court	CC
Probate	P

b. Criminal Division	Designation
Felonies	CF
Misdemeanors	CM
Traffic	TR
Ordinance Violations	OV
Conservation	CV
Driving Under the Influence	DT
Contempt of Court	CC
Order of Protection	OP

c. Family Division	Designation
Domestic Relations	D
Family	F
Juvenile	J
Mental Health	MH
Adoption	AD
Juvenile Abuse and Neglect	JA
Juvenile Delinquent	JD
Contempt of Court	CC

Woodford County.

A. General Division	Designation
Law Over \$50,000	L
Law under \$50,000 (except Forcible Entry & Detainer)	LM
Chancery	CH
Miscellaneous Remedies	MR
Eminent Domain	ED
Tax	TX
Municipal Corporation	MC
Mental Health	MH
Domestic Relations	D
Family	F
Probate	P
Orders of Protection	OP
Adoptions	AD
Juvenile	JA JD
Felonies (except felony traffic)	CF
Misdemeanors (except if the same defendant is also charged with a traffic case)	CM

B. Associate Division	
Law under \$50,000 (Forcible Entry and Detainer only)	LM
Small Claims	SC
Ordinance Violations	OV
Conservation	CV
Orders of Protection	OP
Traffic and felony traffic	TR DT CF
Misdemeanors (where the same de- fendant is also charged with a traffic case)	CM

[Adopted eff. March 7, 1990; amended Nov. 27, 1995, eff. Dec. 1, 1995; amended April 9, 1996; amended Dec. 27, 1996, eff. Jan. 1, 1997; amended entered Jan. 6, 1999, eff. Nov. 1, 1998; amended entered Feb. 3, 1999, eff. Feb. 1, 1999; amended Nov. 17, 2000.]

**RULE 305. CHANGE OF JUDGE;
CHANGE OF VENUE [PLACE
OF TRIAL]*****Change of Judge.**

1.(a) On motion for substitution of Judge, or upon a Judge voluntarily disqualifying himself from hearing a case, the Judge allowing such motion or so disqualifying himself, shall rule upon the motion, either granting or denying the same, and shall either record the Judge's disposition of the motion on the docket sheet or enter a written order in the subject case, and shall notify the Chief Judge of the Circuit, who will assign a Judge to hear the cause. In such circumstances, Paragraph 4 of this order below is not applicable.

1.(b) If a motion for substitution of Judge is granted during the period that an emergency or interim order of protection is in effect, the ordered date for next hearing is cancelled; and the order shall otherwise remain in effect an additional 30 days or until such time as the hearing is rescheduled and concluded by the assigned Judge, whichever is sooner.

2. In criminal cases, upon the filing of a motion in proper form for substitution of Judge for cause, the motion may be heard by any other Judge of the Circuit Court regularly assigned to the same county. In the event there is no other Judge regularly assigned to the county, the Chief Judge shall be notified, and a Judge shall be assigned to hear the merits of the motion.

3. Individual cases may be transferred from one division to another division, or assigned to a Judge other than the presiding Judge of the division in which the cause was originally instituted, upon order of the Chief Judge.

4. As to specific cases in a county, interchange of Judges within the county between Judges who are regularly assigned to that county may be had by mutual agreement of the two Judges affected. No notice to the Chief Judge is necessary. Any Judge regularly assigned to a county by these Administrative Orders may preside over any case within that county when the responsible Judge is unavailable. If the interchange involves Judges who are not regularly assigned to the same county, upon consent of the Chief Judge, the interchange may be had by mutual agreement of the Judges affected and notification of the Chief Judge. Said consent will be manifested by a memorandum entry in the Chief Judge's docket. Said entry will constitute conclusive proof of authority of said interchange without being recorded on the records of the county or counties of said interchange.

5. Pending matters in individual cases may also be the subject of interchange of Judges within the Circuit by mutual agreement of the Judges affected and notification of the Chief Judge. In the event the Judge responsible for the disposition of the individual case is unavailable to agree to interchange of the

pending matter, the parties to the pending matter may request interchange through the office of the Chief Judge. In the event the interchange is effected through the office of the Chief Judge, the Chief Judge shall immediately make a record in the Chief Judge's docket reflecting the interchange assignment. The entry in the Chief Judge's docket is conclusive authority for the interchange as to the pending matter. The Chief Judge shall also file in the record of the individual case an assignment order as to the pending matter.

6. In accordance with 735 ILCS 5/1-104 and Supreme Court Rule 21 and to facilitate the assignment of cases and the efficient administration of the court system in Livingston County, Illinois, IT IS HEREBY ORDERED:

1. A position to be known as Supervising Judge of Livingston County, Illinois, is created.

2. The Resident Circuit Judge of Livingston County is designated as said Supervising Judge.

3. In any case filed in Livingston County where a judge who is regularly assigned to Livingston County is disqualified from hearing the case because of recusal or the granting of a motion for substitution of judge, such case shall be referred to the Supervising Judge for reassignment to another judge regularly assigned to Livingston County.

4. In any case filed in Livingston County where all judges regularly assigned to Livingston are so disqualified, such case shall be referred to the Chief Judge for re-assignment.

Change of Venue (Place of Trial). On a motion for change of venue from a county, the Judge allowing such motion shall either record the Judge's disposition of the motion on the docket sheet, or enter a written order in the subject case, and shall notify the Chief Judge of the Circuit, and may consult with the Chief Judge, and through the Chief Judge, with the Court Administrator and others, concerning available facilities and suitable locations to which the trial could be transferred.

[Adopted eff. March 7, 1990; amended Jan. 8, 1992; Sept. 14, 1998.]

* Suggested title added by Publisher.

RULE 306. JURORS

1. Pursuant to 705 ILCS 305/2, the Circuit Judges of the Circuit Court of the Eleventh Judicial Circuit, by joint action, will determine the number of persons to serve as petit jurors in the counties comprising the Eleventh Judicial Circuit not having a jury commission.

2. The Circuit Clerks in each of the said counties shall certify the number of jurors so determined to the County Board of such county for selection by the Board from the jury list in each year from the time of the date of this order.

3. Jury Commissions shall be appointed in the Counties of Livingston, Logan and McLean as provided by law.

4. Pursuant to 705 ILCS 305/10.2, as amended, the Chief Judge of the Eleventh Judicial Circuit hereby designates the Resident Circuit Judge in each county other than McLean and/or the Jury Commission of said County, as the case may be, and the Judges in McLean County designated with administrative responsibility for the Jury Commission and/or the Jury Commission of McLean County, to be authorized to excuse summoned jurors upon reasonable cause, or continue their service, and regulate their assignments to the various courtrooms within the County.

Call of Grand Jurors. A grand jury shall be called by a presiding Judge of the General Division by written order.

Grand jurors shall report to the General Division of the Circuit Court and after being impaneled, sworn, and instructed by the Court, the grand jury shall sit at such times as the Court may order, and may be recessed from time to time to a day certain, or be subject to recall.

Call of Petit Jurors.

1. A presiding Judge of any division is authorized to call petit jurors for jury service by entry of an Order to the Clerk of the Court specifying the number of petit jurors required and the date and the time and place at which they shall be summoned.

2. An annual jury calendar shall be prepared designating the times for calling juries in the respective counties and designating the length of their service. The calendar shall be separate from the Administrative Orders, but will be filed with the Administrative Orders and shown on the Administrative Order docket sheet in each of the respective counties. Juries may be called at times other than shown in the calendar by a presiding Judge of the respective divisions of the Court with the advice and consent of the Chief Judge.

3. When jurors are required in more than one division of the court for the same period of time, a presiding Judge of the General Division will enter an order calling a sufficient number of petit jurors for jury service in all divisions of the court for that period of time.

4. Any judge assigned to hear a specific cause or cases outside the division to which said Judge is regularly assigned, shall be responsible for notifying the presiding Judge, in apt time, to arrange for service by petit jurors, from jurors on call, or to order a special call for an appropriate number of petit jurors.

[Adopted eff. March 7, 1990; revised Aug. 2, 1999; revised March 5, 2004.]

RULE 307. COURT FACILITIES AND SECURITY; PHOTOGRAPHY, RADIO AND TELEVISION; SPECIAL ORDER IN CERTAIN CASES; COURT SECURITY FEES; RESTRICTED AREAS*

Court Facilities and Security. In order to serve all citizens of the State of Illinois and in particular the handicapped and aged, IT IS ORDERED:

1. That the judges and court personnel, including Clerks, reporters, bailiffs, etc., endeavor to do everything necessary to make the physical facilities and services of the courthouse available to handicapped persons;

2. That where appropriate and necessary, individual orders may be entered by the judges to comply with this Administrative Order, providing for, but not limited to, emergency designation of additional courtrooms, ordering certain court personnel to provide physical assistance, recessing of court to a more appropriate location, designating interpreters and providing essential equipment on a temporary basis; and

3. That every reasonable effort be made by court personnel to communicate effectively to aged and handicapped persons that special services and equipment will be made available to them to insure their access to the due administration of justice.

Photography, Radio and Television. The taking of photographs in the courtroom or its environs, audio or video recording in the courtroom or its environs, or radio or television broadcasting from the courtroom or its environs, during the progress of or in any way connected with judicial proceedings, whether or not court is actually in session, is prohibited. The word "environs" shall at all times include the hallways and rooms immediately adjacent to the courtroom, and it shall be understood that, in the interest of a fair trial, the Court may expand the area of environs in a special order. This rule may be suspended at the discretion of the Court during marriages or ceremonial proceedings.

Special Order in Certain Cases. In a widely publicized or sensational case, the court, on motion of either party, or on its own motion, may issue a special order governing such matters as extra-judicial statements by parties and witnesses which might interfere with the rights of the accused to a fair trial by an impartial jury, the seating and conduct in the courtroom of spectators and news media representatives, the management and sequestration of jurors and witnesses, and any other matters which the court may deem appropriate for inclusion in such an order.

Court Security Fees. There is in force in the State of Illinois 55 ILCS 5/3-6023, as amended, which provides:

§ 3-6023. Each Sheriff shall, in person or by deputy, attend upon all courts held in his or her

county when in session, and obey the lawful orders and directions of the court. Court services customarily performed by sheriffs shall be provided by the sheriff or his deputies, rather than by employees of the court, unless there are no deputies available to perform such services. The expenses of the sheriff in carrying out his duties under this Section, including the compensation of deputies assigned to such services, shall be paid to the county from fees collected pursuant to court order for services of the sheriff and from any court services fees collected by the county pursuant to 55 ILCS 5/5-1103;

It appears to the court that the services contemplated by said statute to be performed by the sheriffs of each county are necessary for the proper operation of the courts of the Eleventh Judicial Circuit, and that there is insufficient funding available from the general revenue funds of each of the counties of the Eleventh Judicial Circuit to provide these necessary court services;

It further appears that questions as to whether 55 ILCS 5/5-1103 is constitutional and whether the ordinance adopted by each County Board is consistent with the provisions of 55 ILCS 5/5-1103 should be determined by the State's Attorney of each county adopting a court security fee ordinance or resolution and that a copy of the State's Attorney's opinion should be furnished to the chief circuit judge prior to the entry of an Administrative Order by him, concurring in the imposition of said fees.

It further appears to the court that no court security fee may be imposed upon any traffic case or conservation case in which fines are paid without a court appearance, that the County Board is vested with the discretion to fix the amount of the fees for each type of case but that the amount so fixed shall not exceed \$15.00 per case.

IT IS ORDERED that the Clerk of the Circuit Court shall collect fees pursuant to the schedule set out in the ordinance or resolution adopted by the County Board and concurred in by the chief circuit judge by Administrative Order and shall remit said fees to the County Treasurer at such times as may be conveniently and expeditiously done, but in no event less frequently than once each month.

IT IS FURTHER ORDERED that the County Treasurer shall establish a special purpose revolving fund, separate and segregated from the general fund, into which all said fee receipts from the Court Security Fee collected by the Clerk of the Circuit Court shall be held until expended.

IT IS FURTHER ORDERED that funds may be expended from the Court Security Fund for the purposes set forth in 55 ILCS 5/3-6023 upon the adoption of an appropriation ordinance by the County Board or a budget, provided that the purpose of said expenditures shall be approved by the chief circuit judge or his designate prior to being paid from said fund.

A. *Ford County.*

(1) It appearing to the court that the County Board of Ford County adopted a Resolution to increase the Court Security Fee on April 13, 1993, and that the Chief Judge of the Eleventh Judicial Circuit concurs with said Resolution.

(2) The following fees shall be collected by the Clerk of the Circuit Court of Ford County, Illinois, for Court Security purposes:

(a) In felony and misdemeanor cases, the following fees shall be assessed against the defendant upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment, pursuant to the Cannabis Control Act, Illinois Controlled Substances Act, Illinois Criminal Code, Illinois Alcoholism and other Drug Dependency Act \$15.00

(b) In each civil case of all categories designated as "L," "LM," "CH," "MR," "ED," "TX," "MC," "F," and "P," at the time of filing the first pleading, paper or other appearance, provided that no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance \$10.00

Publisher's Note

Pursuant to Administrative Order 96-13, dated April 23, 1996, effective May 1, 1996, the Clerks of the Circuit Court in Ford and McLean Counties shall collect an arbitration fee of \$8.00 at the time the first pleading, paper, or other appearance is filed by each party in all civil cases except Juvenile and Mental Health case types. This fee is in addition to any other fees. No additional fees shall be required if more than one party is represented in a single pleading, paper, or other appearance. The arbitration fees received by the Clerks shall be remitted one month after receipt to the Treasurer of the State of Illinois, for deposit into the mandatory Arbitration Fund.

(c) In each traffic, local ordinance, county ordinance, and conservation case upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision or sentence of probation without entry of judgment \$15.00

(d) In each small claims case at the time of filing the first pleading, paper or other appearance, provided no additional fee shall be required if more than one party is represented in a single pleading, paper or other appearance \$ 8.00

(3) No fees shall be imposed or collected in traffic, conservation, or ordinance cases in which fines are paid without a court appearance.

(4) The Circuit Clerk of Ford County shall remit such fees to the County Treasurer of Ford County, not less often than weekly.

(5) The County Treasurer of Ford County shall maintain a revenue line item, entitled "Court Security Fees" for payment solely of those costs incurred by the Sheriff in providing court security, including, without limitation, court services provided pursuant to 55 ILCS 5/3-6023, as now or hereafter amended.

(6) Presiding Circuit Judge is hereby designated to review expenditures made from the Ford County Court Security Fund.

(7) This amendment to Rule 307, as it pertains to Ford County, Illinois, shall become effective June 1, 1993.

Publisher's Note

Pursuant to Administrative Order 2004-02, dated and effective Jan. 6, 2004, 730 ILCS 5/5-6-3(g). The following fees are authorized to be paid by offenders in Ford County, Illinois, sentenced to probation or conditional discharge, to defray the costs of court-ordered drug and alcohol testing:

Initial Drug Testing	\$ 0.00
Follow-Up Testing sent to Witham Labs	\$22.00
Initial Alcohol Testing (hand held)	\$ 0.00
Follow-Up Alcohol Testing (at FC Jail)	\$25.00

These fees are assessed in accordance with the defendant's ability to pay, the fees shall be paid to the office of the Ford County Circuit Clerk, together with any other fines or fees to be paid to that office, and the defendant shall pay the costs of each test performed within 30 days of the test.

This administrative order shall be effective upon the date of its entry.

B. *Livingston County.*

Pursuant to 55 ILCS 5/3-6023 and 55 ILCS 5/5-1103 and upon adoption, by the Livingston County Board, of a resolution dated November 13, 2003 the Livingston County Court Services/Security Fee shall be:

1. In each Criminal Felony or Misdemeanor case where there is an admission of guilt or finding of guilt: \$25.00
2. In each Traffic (must appear), DT (DUI), Ordinance Violation or Conservation Violation case where there is an admission or finding of guilt: \$25.00

3. In each Small Claims case, payable by each party at the time of filing the first pleading or other appearance: \$15.00

4. In each Probate, Divorce, Law, and all other cases, payable by each party at the time of filing the first pleading or other appearance: \$25.00

5. No fee shall be imposed or collected in Traffic, Conservation and Ordinance cases in which fines are paid without a court appearance.

6. The Circuit Clerk of Livingston County shall remit such fees to the County Treasurer of Livingston County not less than monthly.

7. The County Treasurer of Livingston County shall maintain a revenue line item, "Court Securities Fees/Court Security Fund," for payment solely of those costs incurred by the Sheriff in providing court security, including without limitation, court services provided pursuant to Chapter 55, Section 5/3-6023, as now or hereafter amended.

This fee shall be effective on December 1, 2003.

Publisher's Note

Pursuant to Administrative Order 2003-20, dated and effective Nov. 7, 2003, 730 ILCS 5/5-6-3(g) the following fees are to be paid by offenders in Livingston County, Illinois, who are sentenced to probation or conditional discharge:

Hair Testing	\$50 per test
Initial Drug Testing	\$15 per drug tested
Follow-Up Drug Testing	\$25 per drug tested
Alcohol Testing	\$15 per test \$5 (portable test)
Follow-Up Alcohol Testing	\$25 per test
Monitoring Device Set-Up	\$25 per set-up
Per Day Monitoring Cost	\$6 per day minimum \$10 per day maximum (based on equipment)

These fees are to be assessed according to an offender's ability to pay them, and shall be paid to the Office of Livingston County Court Services, together with any other fees ordered to be paid to that Office.

C. *Logan County.*

Pursuant to 55 ILCS 5/3-6023 and 55 ILCS 5/5-1103 and upon adoption, by the Logan County Board, of a resolution dated September 16, 2003 the Logan County Court Services/Security Fee shall be:

1. In each criminal felony or misdemeanor case where there is an admission of guilt or finding of guilt: \$25.00
2. In each traffic, DT (DUI), ordinance violation or conservation violation case where there is an admission or finding of guilt: \$25.00
3. In each civil case of all categories, except those having a statutory exemption from fees, payable by each party at the

time of filing the first pleading or other appearance: \$25.00

4. No fee shall be imposed or collected in Traffic, Conservation and Ordinance cases in which fines are paid without a court appearance.

5. The Circuit Clerk of Logan County shall remit such fees to the County Treasurer of Logan County not less than monthly.

6. The County Treasurer of Logan County shall maintain a revenue line item, "Court Securities Fees/Court Security Fund," for payment solely of those costs incurred by the Sheriff in providing court security, including without limitation, court services provided pursuant to Chapter 55, Section 5/3-6023, as now or hereafter amended.

This fee shall be effective on December 1, 2003.

D. McLean County.

Pursuant to 55 ILCS 5/3-6023 and 55 ILCS 5/5-1103 and upon adoption, by the McLean County Board, of a resolution dated October 21, 2003, the McLean County Court Services/Security Fee shall be:

1. In felony and misdemeanor cases, including local ordinance, county ordinance, traffic and conservation cases, such fees shall be assessed against the defendant upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment, pursuant to Section 10 of the Cannabis Control Act, Section 410 of the Illinois Controlled Substances Act, Section 12-4.3 of the Criminal Code of 1961, Section 10-102 of the Illinois Alcoholism and other Drug Dependency Act: \$25.00

2. In each civil case designated as L, LM, CH, MR, ED, D, F, TX, MC, and P, there shall be paid by each party at the time of filing the first pleading, or paper or other appearance, provided that no additional fees shall be required if more than one party is represented in a single pleading, paper or other appearance: \$25.00

3. In each small claim case (SC), each party, at the time of filing the first pleading, paper, or other appearance, provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance: \$25.00

4. No fee shall be imposed or collected in traffic, conservation, and ordinance cases in which fines are paid without a court appearance.

5. The Circuit Clerk of McLean County shall remit such fees to the County Treasurer of McLean County not less than monthly.

6. The County Treasurer of McLean County shall maintain a revenue line item, known as, "Court Securities Fees/Court Security Fund," for payment solely of those costs incurred by the Sheriff in providing court security, including without limitation, court services provided pursuant to Chapter 55, Section 5/3-6023, as now or hereafter amended.

7. This amendment to Rule 307, as it pertains to McLean County, Illinois, shall become effective January 1, 2004.

Publisher's Note

Pursuant to Administrative Order 96-13, dated April 23, 1996, effective May 1, 1996, the Clerks of the Circuit Court in Ford and McLean Counties shall collect an arbitration fee of \$8.00 at the time the first pleading, paper, or other appearance is filed by each party in all civil cases except Juvenile and Mental Health case types. This fee is in addition to any other fees. No additional fees shall be required if more than one party is represented in a single pleading, paper, or other appearance. The arbitration fees received by the Clerks shall be remitted one month after receipt to the Treasurer of the State of Illinois, for deposit into the Mandatory Arbitration Fund.

Publisher's Note

Pursuant to Administrative Order 99-8 for McLean County, dated and effective April 1, 1999, 625 ILCS 5/11-501.7(b), and 730 ILCS 5/5-6-3(i) and 5/5-6-3.1(i). The following one time fees are authorized to be paid by offenders in McLean County, Illinois, sentenced to conditional discharge, or court supervision:

Victim Impact Panel	\$10 per case
Youthful Intoxicated Drivers' Visitation Program (pursuant to 625 ILCS 5/11-501.7(b))	\$10 per case
Community Service	\$25 per case
Domestic Violence Treatment	\$25 per case

These fees are to be assessed in accordance with an offender's ability to pay them, and the fees shall be paid to the office of the McLean County Circuit Clerk, together with any other fees ordered to be paid to that office.

Publisher's Note

Pursuant to Administrative Order 2003-15 for McLean County, dated and effective August 7, 2003, 730 ILCS 5/5-6-3(g). The following fees are authorized to be paid by offenders in McLean County, Illinois, sentenced to probation or conditional discharge, to defray the costs of court-ordered drug and alcohol testing:

Drug Testing: \$7.00 per drug/\$28.00 maximum

The defendant shall pay to the testing agency the costs for any follow-up drug testing.

These fees are assessed in accordance with the defendant's ability to pay, the fees shall be paid to the office of the McLean County Circuit Clerk, together with any other fines

or fees to be paid to that office, and the defendant shall pay the costs of each test performed within 30 days of the test.

E. Woodford County.

1. In felony and misdemeanor cases, including local ordinance, county ordinance, traffic and conservation cases, such fees shall be assessed against the defendant upon a plea of guilty, stipulation of facts or findings of guilty, resulting in a judgment of conviction, or order of supervision, or sentence of probation without entry of judgment, pursuant to 720 ILCS 550/10 of the Cannabis Control Act, 720 ILCS 570/410 of the Illinois Controlled Substances Act, 720 ILCS 5/12-4.3 of the Criminal Code of 1961, 20 ILCS 301/40-10 of the Illinois Alcoholism and other Drug Dependency Act

\$15.00

2. In each civil case designated as L, LM, CH, MR, ED, F, TX, MC, and P, except those having statutory exemption from fees, there shall be paid by each party at the time of filing the first pleading, or paper or other appearance, provided that no additional fees shall be required if more than one party is represented in a single pleading, paper or other appearance

\$15.00

3. In each small claim case (SC), except those having statutory exemption from fees, each party, at the time of filing the first pleading, paper, or other appearance, provided that no additional fee shall be required if more than one party is represented in a single pleading, paper, or other appearance

\$ 8.00

4. No fee shall be imposed or collected in traffic, conservation, and ordinance cases in which fines are paid without a court appearance.

5. The Circuit Clerk of Woodford County shall remit such fees to the County Treasurer of Woodford County not less often than monthly.

6. The County Treasurer of Woodford County shall maintain a revenue line item, known as "Court Security Fee" for payment solely of those costs incurred by the Sheriff in providing court security, including without limitation, court services provided pursuant to 55 ILCS 5/3-6023, as now or hereafter amended.

7. Presiding Circuit Judge is designated to approve expenditures from this Court Security Fund.

8. This amendment to Rule 307, as it pertains to Woodford County, Illinois, shall become effective April 1, 1995.

Publisher's Note

Pursuant to Administrative Order 96-17, dated June 19, 1996, effective June 19, 1996, the following fees are to be paid by offenders in Woodford County, Illinois, who are sentenced to probation, conditional discharge, or court supervision:

Initial Drug Testing	\$15.00 per drug tested
Follow-up Drug Testing	\$25.00 per drug tested
Alcohol Testing	\$15.00 per test
Follow-up Alcohol Testing	\$25.00 per test

These fees are to be assessed according to an offender's ability to pay them, and shall be paid to the Office of Woodford County Court Services, together with any other fees ordered to be paid to that Office.

Publishers's Note

Pursuant to Administrative Order 98-27, dated Sept. 16, 1998, effective Sept. 16, 1998, the following fees are to be paid by offenders in Woodford County, Illinois, who as a condition of probation, conditional discharge or supervision are placed on an approved monitoring device:

Passive Voice Monitoring	\$2.50 per day
Active Monitoring	\$6.00 per day

These fees are assessed according to an offender's ability to pay them, and shall be paid to the Office of the Woodford County Circuit Court Clerk, together with any other fees ordered to be paid to that Office.

Restricted Areas. The Livingston County Courthouse and the McLean County Law & Justice Center have been designed and constructed for security purposes. The area of the judges' chambers, secretaries and court reporters' offices, jury rooms and facilities, microfilm and machine room area, and the law library is within the restricted area designed to provide limited access. For the purpose of uniformity with respect to the restricted area, the Court finds that it is necessary to provide, by Administrative Order, standards regarding access to this area.

Access to the restricted areas shall be unlimited for the following categories of persons:

- Circuit and Associate Judges assigned to the Eleventh Judicial Circuit;
- Court reporters assigned to and employed in the Eleventh Judicial Circuit;
- Secretaries employed in and by the Eleventh Judicial Circuit;
- The Circuit Clerk and the Clerk's deputies;
- The sheriff and his deputies;
- Lawyers having court business;
- Probation officers and their secretaries;
- Petit jurors;
- Bailiffs employed by the Circuit Court and by the sheriff;
- Security and custodial personnel.

COURT-ANNEXED MANDATORY ARBITRATION

All other persons shall gain access to the restricted area in the following manner:

The secretaries or other court personnel in the restricted area who are designated this responsibility shall respond to a request to an appropriate purpose or need for admittance. Those not so admitted shall be given directions to the office which can appropriately accommodate their purpose.

[Adopted eff. March 7, 1990; amended June 21, 1991, eff. July 1, 1991; Dec. 8, 1992, eff. Jan. 1, 1993; May 5, 1993, eff. June 1, 1993; Dec. 30, 1994, eff. Jan. 1, 1995; March 31, 1995, eff. April 1, 1995; Oct. 31, 1996, eff. Nov. 1, 1996; April 1, 1999; revised Aug. 2, 1999; amended eff. Aug. 30, 1999; amended April 4, 2002; amended eff. Aug. 7, 2003; amended eff. Nov. 7, 2003; amended eff. Nov. 17, 2003; amended eff. Jan. 6, 2004.]

* Suggested title added by Publisher.

RULE 308. ADOPTION OF RULES

1. These Administrative Rules are effective on January 1, 1990. All previous orders or Rules, insofar as they conflict with these orders, are hereby vacated and set aside.

2. The Circuit Clerks of the respective counties of the Eleventh Judicial Circuit shall enter all of the foregoing orders of record, and may reproduce them for use by the Judges and the Bar of this Court.

3. The respective Circuit Clerks of the Eleventh Judicial Circuit shall have a copy of the Administrative Rules of this Circuit available for examination in the office of the Clerk at all times.

[Adopted eff. March 7, 1990.]

RULE 309. REMITTANCE OF FINES, FEES, AND COURT COSTS*

The clerk of the circuit court shall remit not less frequently than once each month all fines, fees, and

court costs restitution paid in full during the calendar month following the month in which said fines, fees and court costs were collected to the state officer entitled thereto, to the county treasurer, or to the treasurer of the local governmental entity entitled thereto; and all financial transactions of the clerk of the circuit court shall be recorded reasonably contemporaneously with, and in no event later than 30 days after the transaction in the financial records of the clerk of the circuit court, which records shall be kept in a manner consistent with the uniform bookkeeping system adopted by the Illinois Supreme Court or any other bookkeeping or accounting system adopted by the clerk of the circuit court and approved by the certified public accountant retained by the county board to audit the financial records of the county. This Circuit Court Rule is effective on December 12, 1990.

[Adopted Jan. 3, 1990, eff. Dec. 12, 1990; revised Aug. 2, 1999.]

* Suggested title added by Publisher.

RULE 310. ELECTRONIC ACCESS TO CIRCUIT CLERK RECORDS VIA THE INTERNET

Pursuant to Section 1.00 (c) of the Illinois Supreme Court policy on *Electronic Access for Circuit Clerk Records of the Illinois Courts (January 1, 2003)*, any Circuit Clerk within the Eleventh Judicial Circuit is authorized to provide access to Circuit Clerk records via the Internet (or World Wide Web) in accordance with said policy.

This Order does not require a Circuit Clerk to provide electronic access to records via the Internet (or World Wide Web).

Adopted effective October 3, 2003

ELEVENTH JUDICIAL CIRCUIT RULES GOVERNING COURT-ANNEXED MANDATORY ARBITRATION (ADMINISTRATIVE ORDER 96-15)

COURT-ANNEXED MANDATORY ARBITRATION

(a) **Supervising Judge for Arbitration.** The Chief Judge shall appoint in each county of the circuit having a court-annexed mandatory arbitration program, a judge to act as Supervising Judge for Arbitration, who shall have the powers and responsibilities set forth in these rules and who shall serve at the discretion of the Chief Judge.

(b) **Administrative Assistant for Arbitration.** The Chief Judge shall designate an Administrative Assistant for Arbitration who shall have the authority and responsibilities set forth in these rules. The

Administrative Assistant for Arbitration shall serve at the discretion of the Chief Judge under the immediate direction of the Trial Court Administrator.

(c) **Arbitration Center.** The Chief Judge shall designate an Arbitration Center for arbitration hearings.

(d) **Arbitration of Certain Cases.** The court-annexed mandatory arbitration program of the Eleventh Judicial Circuit is governed by the Supreme Court Rules for the Conduct of court-annexed mandatory arbitration Proceedings (Supreme Court Rules 86-95 incl.). Pursuant to Supreme Court Rule 86(c), these local rules are adopted, effective upon approval by the Supreme Court. Because arbitration proceedings are

ELEVENTH JUDICIAL CIRCUIT

governed by both Supreme Court and local court rules, reference is made in the caption of each Local Rule to the Supreme Court Rule controlling the subject.

Publisher's Note

A Supreme Court Order dated September 19, 2002, provided:

"Effective January 1, 2003, the jurisdictional limit of cases subject to mandatory arbitration in the Eleventh Judicial Circuit is \$50,000."

[Adopted May 8, 1996; amended Sept. 19, 2002.]

RULE 1. ACTIONS SUBJECT TO COURT-ANNEXED MANDATORY ARBITRATION (S.CT.RULE 86)

(a) Court-annexed mandatory arbitration proceedings are undertaken and conducted in the Counties of Ford and McLean, Eleventh Judicial Circuit, pursuant to approval of the Supreme Court of Illinois given on March 26, 1996.

Arbitration proceedings are part of the underlying civil action, and therefore, all rules of practice contained in the Illinois Code of Civil Procedure and Illinois Supreme Court Rules shall apply to these proceedings.

(b) All civil actions will be subject to court-annexed mandatory arbitration if such claims are solely for money in an amount exceeding \$5,000 but not exceeding \$50,000, exclusive of interest and costs. Such cases shall be assigned to the Arbitration Calendar of the Eleventh Judicial Circuit at the time of initial case filing with the Circuit Clerk's office. All such cases will be provided with an AR designation pursuant to the Manual on Record Keeping.

(c) Cases not originally assigned to the Arbitration Calendar may be ordered to arbitration on the motion of either party, by agreement of the parties or by Order of Court at a status call or pretrial conference when it appears to the Court that no claim in the action has a value in excess of \$50,000, irrespective of defenses.

(d) When a case not originally assigned to the Arbitration Calendar is subsequently so assigned pursuant to Supreme Court Rule 86(d), the Administrative Assistant for Arbitration shall promptly assign an arbitration hearing date for such case. In such cases, the date of the arbitration hearing shall be not less than 60 days nor more than 180 days from the date of assignment to arbitration, as determined by the Court considering the status of the case, the period of time necessary to afford the parties adequate preparation time and status of the arbitration calendar.

Publisher's Note

A Supreme Court Order dated September 19, 2002, provided:

"Effective January 1, 2003, the jurisdictional limit of cases subject to mandatory arbitration in the Eleventh Judicial Circuit is \$50,000."

[Adopted May 8, 1996; amended Aug. 30, 1996; amended Sept. 19, 2002.]

RULE 2. APPOINTMENT, QUALIFICATION AND COMPENSATION OF ARBITRATORS (S.CT.RULE 87)

(a) Illinois-licensed Illinois attorneys in good standing and retired judges shall be eligible for certification and appointment as arbitrators by filing an approved application form with the Administrative Assistant for Arbitration and completing the required arbitrator training seminar. An applicant requesting to be certified as a chairperson shall certify the number of years engaged in the active trial practice of law. Applicants shall be certified as arbitrators and/or chairpersons by the Chief Judge of the circuit. The eligibility of each attorney to serve as an arbitrator may be reviewed periodically by the Administrative Assistant for Arbitration and Supervising Judge. All applicants must maintain a law office or residence in this circuit.

(b) The Administrative Assistant for Arbitration shall maintain an alphabetical list of approved arbitrators to be called for service on a random basis. The list shall designate the arbitrators who are approved to serve as chairpersons.

(c) Three arbitrators shall constitute a panel at least one of which must be certified as a chairperson. The chairperson must have been engaged in active practice of law for a period of five years or be a retired judge. Other panel members must have engaged in the active practice of law for a minimum of one year. Three arbitrators shall constitute a panel unless the parties stipulate using the prescribed form to a two arbitrator panel. In no instance shall a hearing proceed with only one arbitrator.

(d) The Administrative Assistant for Arbitration shall notify the arbitrators of the hearing date at least 30 days prior to the assigned hearing date. The notification period may be less to those arbitrators who have agreed to serve on an emergency basis.

(e) Not more than one member or associate of a firm or office shall be appointed to the same panel. Upon appointment to a case, an arbitrator shall notify the Administrative Assistant for Arbitration and withdraw from the case if any grounds for disqualification appear to exist pursuant to the Illinois Code of Judicial Conduct.

(f) Upon completion of each day's arbitration hearings, arbitrators shall file a voucher with the Administrative Assistant for Arbitration for submission to the Administrative Office of the Illinois Courts for payment of the prescribed compensation.

(g) Each arbitrator shall take an oath of office in conformity with the form provided in Supreme Court Rule 94 in advance of the hearing.

[Adopted May 8, 1996.]

Publisher's Note.

A List of certified arbitrators is available from the Administrative Assistant for Arbitration.

**RULE 3. SCHEDULING OF HEARINGS
(S.CT.RULE 88)**

(a) On or before the first day of each July, the Administrative Assistant for Arbitration shall provide the Circuit Clerk's office with a schedule of available arbitration hearing dates for the next calendar year.

Upon the filing of a civil action subject to these rules, the Clerk of the Circuit Court shall set a return date for the summons not less than 21 days nor more than 40 days after filing, returnable before the Supervising Judge for Arbitration. The summons shall require the plaintiff or the representative of the plaintiff and all defendants or their representatives to appear at the time and place indicated. The summons shall state in upper case letters on the upper right-hand corner "THIS IS AN ARBITRATION CASE."

Upon the return date of the summons and the Court finding that all parties have appeared, the Court shall assign an arbitration hearing date not more than 180 days from the filing date or the earliest available hearing date thereafter. If one or more defendants have not been served within 90 days from the date of filing, the Court may in its discretion dismiss the case as to unserved defendants for lack of diligence.

(b) Any party to a case may request advancement or postponement of a scheduled arbitration hearing date by filing written motion with the office of the Circuit Clerk requesting such change. Such motion and notice of hearing thereon shall be served upon all other parties in the same manner as other motions and a copy of the motion and notice of time of hearing thereon shall likewise be served upon the Administrative Assistant for Arbitration. The motion shall be set for hearing on the calendar of the Supervising Judge for Arbitration and contain a concise statement of the reason for the change of hearing date. The Supervising Judge may grant such advancement or postponement upon good cause shown.

(c) Consolidated actions shall be heard on the date assigned to the latest case involved.

(d) Counsel for plaintiff shall give immediate notification in writing to the Administrative Assistant for Arbitration of any settlement of cases or dismissal.

Failure to do so may result in the imposition of sanctions.

(e) It is anticipated that the majority of cases to be heard by an arbitration panel will require two hours or less for presentation and decision. It shall be the responsibility of counsel for the plaintiff to confer with counsel for all other parties to obtain an approximation of the length of time required for presentation of the case and advise the Administrative Assistant for Arbitration at least 14 days in advance of the hearing date in the event additional hearing time is anticipated and the length of such additional time.

[Adopted May 8, 1996; amended Feb. 18, 1997; June 8, 2000.]

RULE 4. DISCOVERY (S.CT.RULE 89)

(a) Discovery shall proceed as in all other civil actions and shall be completed not less than thirty (30) days prior to the arbitration hearing.

(b) All parties shall comply completely with the provisions of Supreme Court Rule 222. However, pursuant to Rule 89, time lines may be shortened by local rule.

(c) No discovery shall be permitted after the arbitration hearing, except upon leave of Court and for good cause shown.

[Adopted May 8, 1996.]

**RULE 5. CONDUCT OF THE HEARINGS
(S.CT.RULE 90)**

(a) The Supervising Judge for Arbitration shall have full supervisory powers over all questions arising in any arbitration proceedings, including the application of these rules.

(b) A stenographic record of the hearing shall not be made unless a party does so at his/her expense. If a party has a stenographic record transcribed, notice thereof shall be given to all parties and a copy shall be furnished to any other party requesting same upon payment of a proportionate share of the total cost of making the record.

(c) The statements and affidavits of witnesses shall set forth the name, address and telephone number of the witness.

(d) Witness fees and costs shall be in the same amount and shall be paid by the same party or parties, as provided for in trials in the Circuit Court of this circuit.

(e) Hearings shall be conducted in general conformity with procedures followed in civil trials. The

chairperson shall administer oaths and affirmations to witnesses. Rulings concerning admissibility of evidence and applicability of law shall be made by the chairperson. At the commencement of the hearing, the attorneys for the parties will provide a brief written statement of the nature of the case which shall include a stipulation as to all of the relevant facts to which the parties agree. The stipulation shall include, if applicable, relevant contract terms, dates, times, places, location of traffic control devices, year, make and model of automobiles and of other vehicles, equipment or goods and products which are involved in the litigation and other relevant and material facts. However, the stipulation may not be used for evidentiary and/or impeachment purposes in any subsequent hearing and the written stipulation shall so state. The time devoted to the presentation of evidence should be limited to those facts upon which the parties genuinely disagree. Parties are encouraged to utilize the procedure set out in Supreme Court Rule 90 for admission of documents into evidence without foundation or other proof.

(f) Any party requiring the services of a language interpreter during the hearing shall be responsible for providing same. Any party requiring the services of an interpreter or other assistance for the deaf or hearing impaired shall notify the Administrative Assistant for Arbitration of said need not less than seven (7) days prior to the hearing.

(g) All exhibits admitted into evidence shall be retained by the panel until entry of the award. It is the duty of the attorneys or parties to retrieve such exhibits from the Administrative Assistant for Arbitration within seven (7) days following the conclusion of the arbitration hearing. All exhibits not retrieved shall be destroyed.

[Adopted May 8, 1996.]

RULE 6. DEFAULT OF A PARTY (S.CT.RULE 91)

(a) A party who fails to appear and participate in the hearing may have an award entered against him/her upon which the Court may enter judgment. Costs that may be assessed under Supreme Court Rule 91 upon vacation of a default include, but are not limited to, payment of costs, attorneys fees, witness fees, stenographic fees and any other out-of-pocket expenses incurred by any party or witness.

(b) Reserved.

[Adopted May 8, 1996.]

RULE 7. AWARD AND JUDGMENT ON AWARD (S.CT.RULE 92)

(a) The panel shall render its decision and enter an award on the same day of the hearing. The chairperson shall present the award to the Administrative Assistant for Arbitration who shall then file same with the Clerk of the Circuit Court. The Clerk of the Circuit Court shall serve a notice of the award upon all parties who have filed an appearance. In the event the panel of arbitrators unanimously finds that a party has violated the good-faith provisions of Supreme Court Rule 91(b), such finding accompanied by a factual basis shall be noted on a findings sheet. Such finding sheet shall become part of the award.

[Adopted May 8, 1996.]

RULE 8. REJECTION OF AWARD (S.CT.RULE 93)

(a) Rejection of the award shall be in compliance with Supreme Court Rule 93.

[Adopted May 8, 1996.]

RULE 9. FORM OF OATH, AWARD AND NOTICE OF ENTRY OF AWARD (S.CT.RULE 94)

(a) The Administrative Assistant for Arbitration shall provide the forms called for by these rules.

[Adopted May 8, 1996.]

RULE 10. FORM OF NOTICE OF REJECTION OF AWARD (S.CT.RULE 95)

(a) Reserved.

[Adopted May 8, 1996.]

RULE 11. DUTIES OF SUPERVISING JUDGE FOR ARBITRATION

(a) Hear motions to interpret all Rules.

(b) Hear motions to advance or postpone hearing.

(c) Hear motions to consolidate cases.

(d) Hear motions to vacate judgments.

(e) Hear motions to enter judgment.

(f) Hear all post-judgment enforcement proceedings.

[Adopted May 8, 1996.]

**UNIFORM RULES OF PRACTICE,
ELEVENTH JUDICIAL CIRCUIT,
STATE OF ILLINOIS**

February 7, 1992

Publisher's Note

The proposed Uniform Rules of Practice for Circuit Court of Illinois (viz., the "Uniform Circuit Court Rules") were adopted by the Eleventh Judicial Circuit of Illinois, effective January 1, 1977. These Uniform Rules were not referred to in the 1990 revision of the Revised Administrative Orders of the Circuit Court of the Eleventh Judicial Circuit. Nevertheless, they "apply to all applicable proceedings in the Eleventh Judicial Circuit as they may be, from time to time amended, to the extent that said Uniform Circuit Rules are not in conflict with existing Administrative Rules of the Eleventh Judicial Circuit." *Administrative Order 92-6*, dated February 7, 1992.

RULE I. JUDICIAL ADMINISTRATION

(a) Chief Judge.

(1) *Selection and Term.* Each circuit shall adopt a rule for the selection and term of its Chief Judge.

(2) *Acting Chief Judge.* The Chief Judge shall designate one of the circuit judges to act as Chief Judge in his absence, who shall have the same powers and duties as Chief Judge.

(3) *Vacancy.* Whenever a vacancy occurs in the office of Chief Judge, any two circuit judges may call a meeting of the circuit judges to select a circuit judge to fill such vacancy.

(b) Meetings.

(1) *Circuit Judges.* The circuit judges shall meet at least quarterly each year to discuss and take such action as may be required in connection with the business of the Court.

(2) *Associate Judges.* The Chief Judge or his designate shall meet with the associate judges at least quarterly, separately, or with the other judges, in each year to discuss and take such action as may be required in connection with the business of the Court.

(3) *Special Meetings.* Special meetings may be called at any time by the Chief Judge or by any two circuit judges upon 5 days notice to all circuit judges.

[Feb. 7, 1992.]

RULE II. JURORS—TERMS OF SERVICE

(a) Grand Jurors. Grand Jurors shall be called by the Chief Judge or his designate.

Each Grand Jury and the members thereof shall serve until the impaneling of the next subsequent Grand Jury, unless sooner discharged.

If any day upon which a Grand Jury is to be called is a legal holiday, such grand jurors shall be called to serve the next court day. Grand Jurors shall be summoned to appear on the days indicated. After being impaneled, instructed and sworn by the Court,

the Grand Jury shall sit at such time as the Court may order and may be recessed from time to time to a day certain, or subject to recall.

(b) Petit Jurors. The Chief Judge or his designate shall certify to the clerk of the court the number of petit jurors required and the date and time and place at which they shall be summoned. The notice to each juror shall state the period of service for which they shall be summoned.

(c) Excuse. The Chief Judge or his designate shall have charge of excusing summoned jurors from service and regulating their assignments to the various judges.

[Feb. 7, 1992.]

**RULE III. APPEARANCES—TIME
TO PLEAD—WITHDRAWAL**

(a) Written Appearances. If a written appearance, general or special, is filed, copies of the appearance shall be served in the manner required for the service of copies of pleadings.

(b) Time to Plead. A party who appears without having been served with summons is required to plead within the same time as if served with summons on the day he appears.

(c) Appearance and Withdrawal of Attorneys.

(1) *Addressing the Court.* An attorney shall file his written appearance or other pleading before he addresses the court unless he is presenting a motion for leave to appear by intervention or otherwise.

(2) *Notice of Withdrawal.* An attorney may not withdraw his appearance for a party without leave of court and notice to all parties of record, and, unless another attorney is substituted, he must give reasonable notice of the time and place of the presentation of the motion for leave to withdraw, by personal service, or by registered or certified mail, directed to the party represented by him at his last known business or residence address. Such notice shall advise said

party that to insure notice of any action in said cause, he should retain other counsel therein or file with the clerk of the court, within 14 days after entry of the order of withdrawal, his supplementary appearance stating therein an address at which service of notices or other papers may be had upon him.

(3) *Motion to Withdraw.* The motion for leave to withdraw shall be in writing and, unless another attorney is substituted, shall state the last known address of the party represented. The motion may be denied by the court if the granting of it would delay the trial of the case, or would otherwise be inequitable.

(4) *Supplemental Appearance.* Unless another attorney is, at the time of such withdrawal substituted for the one withdrawing the party shall file in the case within 14 days after entry of the order of withdrawal a supplementary appearance, stating therein an address at which the service of notices or other papers may be had upon him. In case of his failure to file such supplementary appearance, notice, if by mail, shall be directed to him at his last known business or residence address.

[Feb. 7, 1992.]

RULE IV. MOTIONS

(a) Notice of Hearing of Motions.

(1) *Notice Required.* Written notice of the hearing of all motions shall be given by the party requesting hearing to all parties who have appeared and have not theretofore been found by the court to be in default for failure to plead, and to all parties whose time to appear has not expired on the date of notice. Notice of motion made within a court day of trial shall be given as directed by the court. Notice that additional relief has been sought shall be given in accordance with Supreme Court Rule 11.

(2) *Content of Notice.* The notice of hearing shall designate the motion judge, shall show the title and number of the action, and the date and time when the motion will be presented. Notice of motion to be made shall state the nature of the motion. A copy of any written motion and of all papers presented therewith or a statement that they previously have been served, shall be served with the notice.

(3) *Manner of Service.* Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

(4) *Time of Notice.* If notice of hearing is given by personal service the notice shall be delivered before 4:00 p.m. of the second court day preceding the hearing of the motion. Notice given by mail shall be in accordance with Supreme Court Rule 12.

(5) *Summary Judgment.* A motion for summary judgment will not be heard before 10 days after service of the notice of motion under Supreme Court Rule 11.

(b) Ex Parte and Emergency Motions.

(1) *Ex Parte Applications.* Every complaint or petition upon which it is sought to obtain ex parte an order for the appointment of a receiver, for a temporary restraining order, for a preliminary injunction or for a writ of ne exeat republica shall be filed in the office of the clerk, if that office is open, before application to a judge for the order.

(2) *Notice Not Required.* Emergency motions and motions which by law may be made ex parte may, in the discretion of the court, be heard without calling the motion for hearing. Emergency motions shall, so far as possible, be given precedence.

(3) *Notice After Hearing.* If a motion is heard without prior notice under this rule, written notice of the hearing of the motion showing the title and number of the action, the name of the judge who heard the motion, date of the hearing, and the order of the court thereon, whether granted or denied, shall be served by the attorney obtaining the order upon all parties not theretofore found by the court to be in default for failure to plead and proof of service thereof shall be filed with the clerk within 2 days after the hearing. Notice shall be given in the manner and to the persons described in Supreme Court Rule 11.

(c) *Failure to Call Motions for Hearing.* The burden of calling for hearing any motion previously filed is on the party making the motion. If any such motion is not called for hearing within 90 days from the date it is filed, the court may strike the motion or set the motion for hearing.

[Feb. 7, 1992.]

RULE V. INTERROGATORIES AND DEPOSITIONS

(a) *Written Interrogatories.* The party serving written interrogatories shall provide two copies to each party required to answer the same. The interrogatories shall be reasonably spaced so as to permit the answering party to make his answer on the interrogatories served on him. The answering party may attach an addendum to the copies if the space provided is found to be insufficient.

(b) *Days for Taking Depositions.* Unless otherwise agreed by the parties or ordered by the court, depositions shall not be taken on Saturdays, Sundays or court holidays.

[Feb. 7, 1992.]

RULE VI. PRE-TRIAL PROCEDURE

(a) Pre-trial Conferences.

(1) *Requirements of Pre-trial Conferences.* Pre-trial conferences shall be held in all jury actions at law. Upon motion of any party or on its own motion,

the court may order that a pre-trial conference be held in any other civil action.

(2) *Duty of Attorneys to Prepare.* In actions in which a pre-trial conference is held, the attorneys for each of the parties shall prepare a full and complete typewritten pre-trial memorandum substantially in the form required by the court and shall deliver to the pre-trial judge, at the time of the conference, the original and sufficient copies for all parties.

(3) *Settlement Prior to Trial.* In the event of settlement prior to trial, the attorneys for the parties shall notify the judge promptly.

(b) **Exhibits.** At a conference with the court preceding the trial, the parties shall produce all of the exhibits they expect to offer in evidence. Each of such exhibits shall thereupon be marked for identification either by the court reporter or the attorneys as the court shall direct. The parties shall then stipulate as to the exhibits to which there is no objection and such exhibits shall be admitted in evidence without the necessity of any further foundation.

(c) **Trial Memorandum.**

(1) *Preparation and Use.* In jury cases, to assist the court in its voir dire examination of juries under Supreme Court Rule 234, plaintiff's attorney shall submit to the court, at the time the case is called for trial, a brief trial memorandum (Suggested Form, Appendix A) and furnish a copy to opposing counsel who may suggest amendments thereto. The court shall exercise its discretion in its use of the trial memorandum.

Publisher's Note

Suggested Form, Appendix A, is set forth in the Appendices following the Series 100 Rules of the Revised Administrative Orders of the Circuit Court of the Eleventh Judicial Circuit, State of Illinois, set forth above.

(2) *Unusual Statutes.* If the application or interpretation of a statute or rule of law is deemed of particular significance by counsel for any party, counsel shall call the court's attention to the same in writing, either in the trial memorandum or at the pre-trial conference.

[Feb. 7, 1992.]

RULE VII. RECEIVERS

(a) **Disqualification.** Except as provided in (b) of this rule or any applicable statute, an appointment as receiver shall not be granted to an individual, or to a corporation having a principal officer, who:

(1) is related by blood or marriage to a party or attorney in the action;

(2) is an attorney for, or of counsel for any party in the action;

(3) is an officer, director, stockholder, or employee of a corporation the assets of which are in question; or

(4) stands in any relation to the subject of the controversy that would tend to interfere with the impartial discharge of his duties as an officer of the court.

(b) **Exception.** If the court is satisfied that the best interests of the estate would be served, an individual or corporation otherwise disqualified under section (a) of this rule may be appointed as receiver by an order specifically setting forth the reasons for departing from the general rule. A receiver so appointed shall serve wholly without compensation, unless otherwise ordered by the court upon good cause shown.

(c) **Attorneys for Receivers.** An attorney for the receiver shall be employed only upon order of the court upon written motion of the receiver stating the reasons for the requested employment and naming the attorney to be employed.

(d) **Inventories of Receivers.** No later than 30 days after his appointment, the receiver shall file with the court a detailed report and inventory of all property, real or personal, of the estate and designating the property within his possession or control.

(e) **Appraisal for Receivers.**

(1) *Appraisers.* Appraisers for receivers may be appointed only upon order of court or agreement of the parties with the approval of the court. If appraisers are appointed, they shall be selected by the court.

(2) *Appraisal by Receiver.* If no appraisers are appointed, the receiver shall investigate the value of the property of the estate and show in the inventory the value of the several items listed as disclosed by the investigation.

(f) **Reports of Receivers.**

(1) *Time of Filing.* The receiver shall file his first report at the time of filing his inventory and additional reports annually thereafter. Special reports may be ordered by the court and a final report shall be filed upon the termination of the receivership.

(2) *Forms.* The court may prescribe forms to be used for reports of a receiver.

(g) **Receivers' Bonds.**

(1) *Personal Sureties.* Bonds with personal sureties shall be approved by the court. Unless excused by the court sureties shall execute and file schedules of property in a form approved by the court.

(2) *Surety Companies.* Bond with a corporation or association licensed to transact surety business in this State as surety will be approved only if a current certified copy of the surety's authority to transact business in the State, as issued by the Director of Insurance, is on file with the clerk of the court, and

verified power of attorney or certificates of authority for all persons authorized to execute bonds for the surety is attached to the bond.

[Feb. 7, 1992.]

RULE VIII. SPECIAL RULES PERTAINING TO MATRIMONIAL CASES

For purposes of this rule, matrimonial cases are defined as any proceedings for an order, judgment, or decree relating to divorce, separate maintenance, or annulment, including proceedings concerning such matters as alimony, temporary support and maintenance, child custody or support, or writs of ne exeat.

(a) Transcripts of Evidence. In any proceeding for entry of a decree for divorce, separate maintenance, or annulment, the testimony shall be recorded. The report of proceedings shall not be filed unless requested by a party or ordered by the court.

(b) Affidavit of Parties.

(1) In all proceedings involving petitions for attorney's fees, court costs, alimony pendente lite, support and/or custody of children and modification of any previous orders relating thereto, the moving party

shall prepare an affidavit (Suggested Form, Appendix B) with proof of service pursuant to Supreme Court Rule 11, unless for good cause shown the court otherwise directs.

(2) The party responding to said petition shall serve at, or prior to hearing, an affidavit in the same form entitled "Affidavit in Answer to" preceding "Petition for Temporary Alimony, etc." (Suggested Form, Appendix B).

Publisher's Note

Suggested Form, Appendix B, is set forth in the Appendixes following the Series 100 Rules of the Revised Administrative Orders of the Circuit Court of the Eleventh Judicial Circuit, State of Illinois, set forth above.

(c) Support Payments. Unless otherwise provided in the order for support, all support payments shall be made to the Clerk of the Circuit Court.

(d) Representation. No pleading or entry of appearance shall be prepared or acknowledged by any attorney, members of his firm or employee for an opposing party.

[Feb. 7, 1992.]